

PLANNING BOARD

Monday, August 27, 2007
Belmont Corner Meeting House
Belmont, New Hampshire

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

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

PUBLIC HEARING – 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.

Atty. Rod Dyer, Atty. Catherine Broderick and Mr. Robert Slater presented the application.

Atty. Broderick stated that at the last meeting the Board wanted a road survey done on the interior roads to evaluate the ability of the interior roads during the proposed periods to support emergency vehicles during expanded spring occupancy. The survey done by Mr. Bill Stack has been submitted and states that the interior roads will support emergency and passenger vehicles during the extended season. Mr. Stack recommends that Sparrow Drive be plowed and gravel be put between Dove Terrace and Morway Lane. The Association is proposing that there be no overnight camping during March 15th to April 15th every year.

W. Peterson wanted to know if the Association will be following the recommendation that Mr. Stack made. Atty. Broderick stated that the Association is willing to make the necessary changes that Mr. Stack recommended. She stated that they will abide by the proposed conditions of approval as they are the ones that applicant proposed in July.

Mr. Slater stated that they are working on the fire department requirements. All the roads are marked with reflective signs. They are in the process of putting reflective 911 house numbers on each unit. Brush has been cut back and will be maintained for easier access for emergency vehicles.

The vice-chairman asked if anyone in the audience had any questions or comments. There being

none, he closed the public hearing.

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

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

Conditions to be complied with or secured (as appropriate) prior to decision being recorded.

1. The traveled way at the end of Dove Terrace shall be widened to improve access to Dolphin Drive and Morway Lane. Widening shall be to the recommendation of Mr. Stack.
2. All campsites shall be numbered in accordance with 911 standards.
3. All roads shall be properly and adequately posted with approved road names.
4. The Association shall provide to the Town a list of all campsites and Association buildings that have permanent, year-round water. NH DES will also be provided with this information (see their letter of 4/24/07 which refers to only the bathhouse having year-round water and requiring their approval for other winter water service).
5. Compliance hearing shall be held by Board as necessary.

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

6. Sparrow Drive shall be plowed and maintained during the winter months.
7. Road name, 911 number postings and unit owner contact info to the PD shall be maintained at all times.
8. One permanent single-family dwelling is allowed as part of the 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.
9. No campsites shall be used for year-round or permanent residency or domicile. Occupancy shall be limited 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.
10. Campsites shall not be occupied for overnight stays during the period of March 16 through April 15 of any year.
11. All roads which access campsites shall be maintained so that emergency vehicles have access to the entire campground during all seasons. Maintenance includes, but is not limited to, plowing, sanding when conditions are icy, and re-grading and filling soft spots.
12. Belmont Police and Fire Departments and the Belmont Building and Code Enforcement Officers shall be provided with sufficient access cards for the entrance gate.
13. The Town of Belmont shall have the right and authority, but not the obligation, to enforce the Declaration and By-Law provisions that address non-establishment of domicile and residency

by all lawful means in the event that the Association fails or otherwise elects not to enforce such restrictions.

14. The Association shall provide a copy of the recorded Declaration document when amendments are made.
15. No further year-round water services shall be added without prior approval of the Town.
16. Water testing schedule shall be increased per NH DES requirements.
17. All other conditions of the original approval shall remain in effect.
18. No changes shall be made to the approval unless application is made in writing to the Town.
19. Approval is subject to expiration, revocation and changes in the Ordinances.

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

PLAN SUBMISSION MEETING – LYMAN- BREWER PROPERTIES LLC: Request for subdivision approval to subdivide one lot into eleven with interior road. Property is located on Horne Road, Tax Lot 209-002 in the “R” Zone. PB # 1207.

Mr. Bryan Bailey presented the application.

Mr. Bailey explained that the proposal is to subdivide 67.01 acres on Horne Road. The property has a Public Service ROW and a single family home with a barn. The proposal is to subdivide the lot into eleven lots, six that will have frontage on Horne Road and the five with frontage on the cul de sac. They will be single family residential lots ranging in size from 3.02 acres to 12 acres. There is a significant ridge on the northern side of the property and a drop off on the southern side of the property. The southern area of the lot is either steep or flat and wet. There will be a small impact to the wetlands due to the road. There will be a 30’-40’ wide wetland crossing for the road and no other impacts to the wetlands. Most of the lots are over 5 acres and only five of them will need State subdivision approval because they are less than 5 acres. There is a small section that the town maps show as belonging to the Town but deed research show that it was part of the Crippen farm not the Town. Their attorney will contact the Town with those findings.

BOARD'S ACTION – LYMAN- BREWER PROPERTIES LLC:

MOTION: G. Flack moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and
act on the application. Action on this proposal shall occur by 10/31/07 subject to extension or waiver.

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

The Board directed the applicant that Independent review of road construction and a

stormwater management plan & report need to be done. They will have to renotece for public hearing.

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JOHNGIS REALTY LLC: Request for a one year extension (8/28/08) for subdivision approval to create a 43-lot open space subdivision. Property is located on Middle Route & Province Road, Tax Lot 215-007 in the “R” Zone. PB # 1707

Atty. Miller presented the application.

Atty. Miller stated that the applicant is asking for a one year extension because they are still waiting for additional approvals. There have been no changes to the original application

BOARD'S ACTION – JOHNGIS REALTY LLC:

MOTION: C. Patten moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and
act on the application. Action on this proposal shall occur by 10/31/07 subject to extension or waiver.

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

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

MOTION: G. Flack 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 8/28/08.
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. (6-0)

PUBLIC HEARING – WJK REALTY CORP: Request for site plan approval to expand vehicle display area and add vehicle washing and vehicle service uses. Property is located on 6 Farrarville Road, Tax Lot 224-038 in the “C” Zone. PB # 1507.

Mr. Tom Selling presented the application.

Mr. Selling explained that the proposal is to expand the display area for vehicles. There will be additional gravel work and the dumpster will be enclosed. The site is 1.72 acres with a single family residence with a private well and septic. The house is a rental that is grandfathered. There will be no changes to driveway. They will relocate the advertising sign to meet setbacks. The lot is not on the aquifer. The project will be completed this fall before the end of the paving season. The existing wetlands will not be impacted. They are waiting for an excavation permit from DOT to move the retaining wall that is located 75’ off property. This was done during construction by the previous owner and the current owner will bring it into compliance. The leach field is being evaluated to determine if it is adequate for a residence and commercial business. They are proposing 107 parking spaces 90 for display vehicles. They have left enough room for safe ingress and egress and for emergency vehicles access. The fire department is requiring fire rated doors because there will be two office spaces and 2/3rd of the 2 story building will be open space. A fire alarm system will be installed. The hours of operation during construction will be 7am-7pm. Hours of operation will be M-F 9-5 and 10-4 Saturday. The detention pond will treat runoff. The sediment will seep through the grass prior to reaching the wetland. By extending the pavement runoff will be collected and treated. They are asking for vehicle washing and are restricted by the State to no more than 30 vehicles being washed outside the building. Employees are aware of Best management practices. Outside steam cleaning and engine washing is prohibited. They are proposing to monitor and analyze the water after a rain fall for any grease or oil contaminates. The service department will not have any hazardous waste. They will be changing mufflers and oil and getting vehicles ready for sale. Used waste oil will be stored inside on pallets and in drums. A quality assurance program has been submitted.

W. Rollins wanted to clarify that no more than 30 vehicles per week could be washed. Mr. Selling agreed that they are limited to 30 vehicles per week. The results of the water testing will be submitted to the Town within 45 days of testing. G. Flack wanted to know who would be doing the testing. Mr. Selling stated that they haven’t chosen the firm yet.

W. Rollins wanted to know if there are any issues with the lights shining on the abutter’s properties or the State road. Mr. Selling stated that lights spec sheets have been submitted and they meet all the requirements.

R. Caldwell wanted to know if the single family use is allowed on that site. C. Daigle stated that it is a grandfathered use. Mr. Selling stated that it is currently a four bedroom house and the current septic is designed for a two bedroom. There have been no complaints from residence about odor or seepage. The current system is being evaluated to determine if it will support a four bedroom residence and the commercial use.

W. Peterson had concerns about the plans and line work representing more than one purpose. Mr. Selling stated that he did the best he could it is a problem with the CAD program. C. Daigle stated that this plan came back better than the previous one and they can take care of the other line issues on the final plan.

R. Caldwell wanted to know if on the original approval the fire department required access around the entire building. C. Daigle stated that they were not required to go around the building but have to have a two lane wide access. R. Caldwell stated that the fire department is requiring a 50' clear area in front of the building for emergency vehicles access.

C. Patten stated that cars are not allowed to be parked in the field and currently there are cars parked there. C. Daigle stated that this plan is to have all the cars parked in the designated areas. Mr. Selling stated that they would be parked on the pavement and in the designated areas.

Mr. David Morse stated that the approval five or six years ago did not allow car washing or parking behind the garage. C. Daigle stated that it is a permitted use they just need the approval to do it. W. Peterson stated that the previous applicant did not have the facility to clean the water before it reaches the wetlands. Mr. Morse wanted to know if the Conservation Commission had reviewed the plans. C. Daigle stated that they have.

C. Long wanted to know about the treatment for the snow disposal area. Mr. Selling stated it is an open infiltration system. It is treated in the treatment swale before it reaches the wetlands. W. Peterson wanted to know what the required distance from wetland is for salt treatment. R. Ball stated there is none but he has talked to Mr. Jim Tarr and he stated that surface water testing is more appropriate than monitoring wells. Mr. Selling stated that a Town representative could be present when the water testing sample is done.

C. Daigle wanted to know when they plan to complete the project and bring the lot into compliance. Mr. Selling stated that it would be November 14, 2007.

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

BOARD'S ACTION – WJK REALTY CORP:

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. Payment of decision recording fee.
2. Security - Prior to any site work:
 - a. Submit escrow for closure in case of abandonment and correction of violations (fence around septic, add & fence dumpster & used parts storage w/concrete pads, fence rear line, relocate sign & front retaining wall, install propane bollards, pavement marking for handicapped space, septic upgrades if any and as built plans. Applicant shall submit engineer's estimate of closure & correction of violation costs. Amount to be set by staff. Security to be in a form approved by the Town. Partial releases may be approved. Retainage of 10% until complete and 2% for one year post-completion.
 - b. Applicant to pay review cost for town's environmental engineer to review proposal and recommend water sampling method & schedule.
3. State or other agency permits to be filed with the Town. NH DOT work in ROW & NHDES Septic.
4. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
5. Compliance hearing shall be held by Board as necessary.
6. Submission of final plans:
 - a. clarify line types and other plan info.

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

7. Work to cure violations shall occur no later than 11/14/07.
8. Any improvements necessary for water sampling as recommended by Town's environmental engineer. Base sampling shall occur prior to occupancy/use of improvements.
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. All parking/display shall occur only on the approved pavement/gravel surfaces.
16. Water quality testing shall occur in compliance with schedule recommended by Town's

- environmental engineer.
17. Vehicle washing limited to less than 30 per week.
 18. No changes shall be made to the approved plans unless application is made in writing to the Town.
 19. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – SLEEPER FAMILY TRUST:

Request for boundary line adjustment approval to transfer 6.52 acres from tax lot 225-002 to tax lot 224-042. Properties are located on Farrarville Road and 595 Laconia Road, in the “R & C” Zones. PB # 1807.

Mr. Ron Johnson presented the application.

Mr. Johnson stated this is a boundary line adjustment between two parcels. One lot is located at 595 Laconia Road and the other is on Farrarville Road. 7.1 acres are in commercial zone. Tax lot 225-002 is a 49.84 acre lot with 61.3’ on Farrarville Road and is 400’ deep. They are transferring 6.52 acres from the Farrarville Road lot to the Laconia Road lot. No new lots are being created. The pins have been set.

BOARD'S ACTION – SLEEPER FAMILY TRUST:

MOTION: G. Flack moved to grant the following waiver:

- a. Additional Soils & Topography info.

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

MOTION: C. Patten moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and
act on the application. Action on this proposal shall occur by 10/31/07 subject to extension or waiver.

The motion was seconded by R. Davis and carried. (6-0)

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

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

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

1. Submission of final plans (2 mylars & 5 paper copies):
 - a. All pins to be set and so certified on final plan.
 - b. Add standard statements, "Subject to revocation...", and "Plan meets all".
 - c. Signature block.
2. Payment of decision recording fee.
3. Copy of current deed(s).
4. Compliance hearing shall be held by Board as necessary.

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

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

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JOHN FAIRHURST: Request for site plan approval for an auto restoration shop. Property is located on 182 Hoadley Road, Tax Lot 215-027 in the "R" Zone. PB # 1907.

Mr. John Fairhurst presented the application.

Mr. Fairhurst stated that he wants to build an auto restoration business on his property. There will be no signs so that the public will not know that there is a business on site. He is not looking for employees. He does not want a junkyard. C. Daigle stated that there is a long list of waivers because this is close to a home occupancy based on the restrictions that Mr. Fairhurst has placed on himself by having no signage, no employee and not being opened to the public. Mr. Fairhurst stated that there was an error on the plan and the building will be 36' x 72' not 36' x 70'.

C. Patten wanted to know if there would be any outside storage. Mr. Fairhurst stated that there would not be any outside storage except for their own personal vehicles. There will be a shed on the back side of the building. The size of the building allows him to keep all the jobs inside. He explained that he is restoring old Volkswagens and it can take up to a year to complete one job. He will have a downdraft paint booth that recycles 90% of air used. He explained that he has an EPA number from a

previous job and that number stays with him and will be reactivated when the shop is up and running. The EPA number ensures that all the waste material is transported and disposed of correctly. He has talked to the fire department and they don't require a fire suppression system but he will be installing one along with a security system with a pull station. Car washing will be minimal because it takes up to a year to complete the restoration and he will wash the car once it is completed. There will be no sanitary facilities in the building because the house is less than 90' away. There will be no floor drains or sink. There will be a spot light pointing down over the garage doors. There will be no added snow storage because there will be no additional parking. The garage will be wooden to blend with the neighborhood.

BOARD'S ACTION – JOHN FAIRHURST:

MOTION: C. Long moved to grant the following waivers:

- a. Additional off site detail – due to the limited nature of the proposal and the distance/screening between the proposed use and the property lines.
- b. On site wetlands delineation – due to the limited nature of the proposal and no evidence of adjacent wetlands.
- c. On site soils delineation – due to the limited nature of the proposal.
- d. Aquifer map – not located w/in aquifer on State map.
- e. Fire protection plan – see Fire Department's comments.
- f. Stormwater Management plan & report – due to the limited nature of the proposal.
- g. Landscape plan – due to the limited nature of the proposal, existing screening and no exterior evidence of business use.
- h. Quality Assurance Plan – due to the limited nature of the proposal.
- i. Additional screening – due to the limited nature of the proposal, existing screening and no exterior evidence of business use.
- j. Plan scale – due to the limited nature of the proposal and clarity of submitted plan.
- k. Underground utilities – due to limited nature of proposal & utilities, location of septic and to maintain existing screening.

The motion was seconded by R. Davis and carried. (6-0)

MOTION: C. Patten moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and
act on the application. Action on this proposal shall occur by 10/31/07 subject to extension or waiver.

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

The vice-chairman opened the public hearing and asked if anyone in the audience had any

questions or comments. There being none, he closed the public hearing.

MOTION: G. Flack 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. Operational conditions imposed by the ZBA shall be complied with:
2. Submission of building plans, approved by Building Inspector & Fire Department prior to plan signing. Shall comply with all applicable building, fire, health, and life safety codes.
3. Submission of final plans w/any required plan changes. Show correct building length and shed.
4. Payment of decision recording fee.
5. Compliance hearing shall be held by Board as necessary.

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

6. 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.

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

7. Vegetative screening shall be maintained and not allowed to deteriorate.
8. All exterior lighting shall be shielded from abutters and traffic.
9. No changes shall be made to the approved plans unless application is made in writing to the Town.
10. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
11. Approval is subject to expiration, revocation and changes in the Ordinances.

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

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted to approve the minutes of the July 23, 2007, meeting as submitted. (6-0)

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted to approve the minutes of the August 13, 2007, meeting as submitted (2-0-4) R. Caldwell, W. Peterson, G. Flack and R. Davis abstained.

STAFF REPORT:

CAPITAL IMPROVEMENT PROGRAM (CIP):

C. Daigle explained that the CIP Committee has adopted the CIP and has sent it on to the Board to review at their September 10th meeting and a public hearing on September 24th.

VERIZON CELL TOWER TAX LOT 122-075:

C. Daigle explained when Verizon erected their cell tower it had a condition that required they perform annual frequency testing and submit the results to the town. Verizon has explained to staff that they do frequency testing when a new carrier is added to the tower and those results do not change because it is based on the frequency that is produced when it is put on site. They would like to change the condition of the frequency testing to be when a new carrier is added to the tower.

MOTION: C. Patten moved that this is a minor change.

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

IMPACT FEES:

The Board discussed impact fees and if they were in effect this year only two lots would have had to pay. They would have only collected \$2,400 because most lots are vested. If lots were created prior to the appointment of a Planning Board those are not vested. New lots created prior to impact fees being adopted are protected. Fees are applied at the time of the subdivision and collected at time a building permit is issued. The fees have to be tracked for six years with interest and returned if the intended project is not done. The money can be used to pay part of a bond but only that the portion that applies to the growth. If a new school is needed because of growth the only portion of the impact fees that can be used is the part that applies to the growth not the entire new school. It is a revenue source but there is a matrix to process and track the money. Mr. Morse stated that there is an amortization formula that can be used to determine the interest earned. C. Daigle stated that because of the checks and balance system that needs to be in place there are a lot of steps involved in tracking impact fees.

BUDGET:

The Board reviewed the 2008 budget. C. Daigle explained that there are no payroll figures because they are waiting for the Union contracts to be negotiated before the non-union figures are determined. There is an increase in the postage budget. Printing, legal, publications, training and mileage budgets are the same. She is asking for \$2,000 for tax map so that the 911 numbers can be added to the tax maps. A capital expense would be to replace the plotter. The estimated cost for that could be \$8,000 but a final cost has not been determined.

MOTION: G. Flack moved to accept the budget as proposed including \$8,000 for the plotter under capital expenses.

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

MOTION: G. Flack moved to approve C. Daigle's contract as written.

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

ADJOURNMENT:

MOTION: On a motion by R. Caldwell, seconded by C. Patten, it was voted unanimously to adjourn at 9:15p.m. (6-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant