

PLANNING BOARD

Monday, February 26, 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. Long.
Alternates Absent: C. Shibles.
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7 p.m.

PLAN SUBMISSION MEETING AND PUBLIC HEARING – WILLIAM & DENISE ALLEN:

Request for boundary line adjustment approval to transfer 2167 square feet from tax lot 239-005 to tax lot 239-004. Property is located at 429 Brown Hill Road, in the “RS” Zone. PB # 0107.

Mr. Ron Johnson presented the application.

Mr. Johnson explained that the property is located on the northerly side of Brown Hill Road in the “RS” zone. The northerly lot is 1.71 acres with a single family residence on it. The southerly lot is 1.62 acres with a house under construction on it. They are doing a boundary line adjustment to make the driveway more conforming. They will be transferring 2167 square feet from tax lot 239-005 to tax lot 239-004. No waivers are requested.

BOARD'S ACTION – WILLIAM & DENISE ALLEN:

MOTION: J. Marden 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 May 2, 2007, subject to extension or waiver.

The motion was seconded by G. Flack and carried. (7-0)

The chairman opened the public hearing.

Mr. Johnson explained that lot 239-005 has a relatively new septic design done within the last ten years.

Mr. Michael Delsart stated that he noticed two survey flags on his property and wants to make sure his boundary line is not being altered. The stone wall is the boundary line. Mr. Johnson stated that the stone wall is the boundary line and the flags were set to determine the boundary lines. The flags can be removed.

The chairman asked if anyone in the audience had any further 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.

1. Submission of final plans:
 - a. All pins to be set and so certified on final plan.
 - b. This further reduces a lot under 5 ac. Add note that remaining parcel can “support a replacement septic system....”.
2. Submit copy of existing deed(s).
3. Payment of decision recording fee.
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. Patten and carried. (7-0)

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 building 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. Ms. Karen Dunn-Stone was also present to represent the property owner, Mr. Tom Marks.

Mr. Selling explained the site has been granted a special exception to allow a contractors yard in

a commercial zone. The existing site is vacant but they have a driveway permit in conjunction with a previous approval for a motorcycle shop. There will be two permanent 50' x 100' structures and on 50' x 70' structure. The site is located at 569 Laconia Road with a contractor yard across the street. There is a used car lot and a concrete business down the road and three residential sites within 100' of site. The wetlands bureau has stated that the proposed agriculture pond will have to be relocated.

Mr. Selling stated that the time line for the construction will be less than 12 months and there will be no phasing of the project. The hours for construction will be 7:00 am to 7:00 pm. The landscaping and nursery business will operate year round Monday through Saturday 8:00 am to 5:00 pm.

There will be a 6" high asphalt berm curve around the paved area. There will be breaks in the berm to allow for runoff. There will be three storage bins for mulch and four for sand and gravel. Four of the storage areas will be covered. The covered storage areas will be for sand/salt brought from off site. They have subsurface approval for both buildings. The system will be behind the buildings and the well will be between the two green houses. There will be twenty-six parking spaces. Fourteen for the retail business, two for the two office employees and the additional ten will be for seasonal employees.

The lighting will be downcast lighting and will not affect the abutters. There will be two underground cisterns. Originally they were going to use the agricultural pond but the fire department had concerns of there not being enough water in case of a drought and the possible contamination of the wetlands from the oils from the trucks. The pond also has been reduced in size so as not to infringe on the wetlands. The fire department also has concerns about fertilizer being on site which necessitated the need for an additional cistern. The landscaping plan is close to requiring a Site Specific which would require stabilizing the site before any planting can be done. No hazardous waste will be stored on site. Waste oil will be stored on spill container pads. All State permits have been obtained except the wetland permit which is pending and should be finalized this Wednesday.

J. Marden wanted to clarify that the salt/sand storage will be enclosed. Mr. Selling stated that it will be under cover in a three sided structure. In the winter the mulch will be replaced with sand/salt and it will always be under cover. J. Pike wanted to know how they plan to get the sand/salt mixture into a three sided building without putting it on the ground. Mr. Haddock stated that he wants to make the buildings tall enough for the trucks to back in and dump the load. He also stated that they will also have to load the sand/salt into trucks so there will be traces on the exterior ground but he will do his best to keep the environmental impact to a minimum. Mr. Haddock stated that the site is not on the aquifer.

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

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 5/2/07 subject to extension or waiver.

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

The chairman opened the public hearing.

Mr. Selling stated that the surveyor has calculated they will be disturbing close to 100,000 square feet. They will be installing silt fencing to make sure the project stays within the boundary. The office space on the second floor of retail store will be for the owners. If the use changes they will come back to the Board for a change of use and any additional approvals necessary. There will be a 10' gravel access way to the pond for maintenance. Customers will not have access to the pond. They will be relocating the stone wall to reduce the impact on the wetlands and to use it as a boundary line. The sign will be 50' from the wetlands.

P. Harris reiterated the fact that the two large offices over the retail center will be used to operate the business and not rented out. Mr. Selling stated that was correct.

W. Peterson stated that at the last meeting there was some discussion on selling the sand/salt mixture. Mr. Haddock stated that has changed and he will not be selling salt/sand it will be for his own use.

P. Harris had some concerns about the parking calculations and the seasonal fluctuation which may require additional parking. Mr. Selling stated that they have an additional paved area that can be used for additional parking for customers. There will be safe access to the building for pedestrians from the overflow parking area. J. Marden wanted to know if the greenhouses will be open to the public. Mr. Haddock stated they will be. They will house hanging plants, wreaths and trees. It will be an undercover exterior display. P. Harris stated that he is concerned about traffic in that area and if parking spills out onto the road. C. Daigle stated that if the business becomes so successful that it can't be contained on site then it becomes an enforcement issue. She stated that the parking as described seems adequate and stated that entering and exiting the site can be dangerous. Mr. Selling agreed and stated that they have met all the sight distance requirements but traffic does tend to exceed the speed limit in that area.

J. Marden wanted to know about the current business associated with this application that is currently in violation on South Road. Mr. Selling stated that they are relocating the business to the new site from residence and the South Road site will be brought into compliance.

R. Caldwell stated that he is concerned about the salt issue and how big the trucks hauling salt to site will be and the type of structure the salt will be stored in. Mr. Haddock stated that the proposed storage shed will be like the town shed. They will be three sided buildings and they will dump the salt/sand mixture as close to the building as possible. The roofs will be high enough for the trucks to dump inside. If this can't be accomplished with a three sided building he will not build any other building and will not store the salt/sand mixture on site. J. Pike stated that he would prefer that the sand/salt mixture not be on site. R. Caldwell agreed that contamination could result because of the close proximity to the wetlands. G. Flack stated that for it to be profitable you have to do it on a large scale. Small scale salt/sand operations usually are not profitable. Mr. Selling stated that there is a well on site and it would be the first to be contaminated if there were a problem.

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

MOTION: J. Pike 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 NH DES permit.
2. Submit updated Quality Assurance Plan as it relates to proposed construction schedule and list of “active and substantial” work that will occur w/in 12 months of approval.
3. 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.
4. Submission of final plans:
 - a. All pins to be set and so certified on final plan.
 - b. All required professional seals/signatures.
 - c. Board’s signature block.
 - d. Number plan sheets.
 - e. Update revision notes as applicable.
 - f. Relocate proposed business sign – to meet setback to wetlands
 - g. Include any access way to pond for employees, customers, pedestrian/vehicle and any barrier to be erected between access way and Rte 106 ROW.
 - h. Remove note “remove rock wall from wetlands” unless it is part of current proposal.
 - i. Correct location of arrow from “proposed 6” high cape cod asphalt curb” note located west of greenhouses.
 - j. Sign to meet wetland setbacks.
 - k. NOTES:
 1. No junkyard use.
 2. No floor drains or on-site vehicle/equipment painting.
 3. Material covering greenhouses shall be removed/replaced if it becomes tattered, ripped, etc.
 4. Any more intensive office use than represented (2 owners will use 2 offices as accessory to the approved business) requires review and approval of parking.
5. Payment of decision recording fee.
6. Security:
 - a. Prior to any site work - escrow for closure in case of abandonment and as-built plans. Engineer’s estimate of costs to be approved by staff. Mr. Selling and/or Frank Yerkes shall certify location/construction as required by Town in addition to Town inspections.

Security to be in a form approved by the Town. Retainage of 10% until complete and 2% for appropriate time post-completion to cure any faults.

7. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
8. Compliance hearing shall be held by Board as necessary.

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

9. Full surveyor's ground control prior to any work and not stray outside of depicted area.
10. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
11. 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. Road design standards shall include approved center line.
12. 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:

13. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
14. All exterior lighting shall be shielded from abutters and traffic.
15. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
16. No changes shall be made to the approved plans unless application is made in writing to the Town.
17. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
18. Approval is subject to expiration, revocation and changes in the Ordinances.
19. Site at 280 South Road will be brought into compliance.

The motion was seconded by G. Flack and carried. (7-0)

C. Daigle requested and the Board agreed that in the future that 20 scale plans be required not just enlarged from 50 scale.

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by J. Marden, seconded by J. Pike, it was voted to approve the minutes of the February 12, 2007, meeting as submitted. (5-0-2) R. Caldwell and G. Flack abstained.

STAFF REPORT:

RESIGNATION:

The Board regrettably accepted C. Shibles resignation as he is moving out of town. They noted that he will be missed as he has been a great asset to the Board and contributed knowledge and expertise during his many years on the Board.

BOLLINGER SUBDIVISION TAX LOT 224-007:

The chairman signed the Bollinger subdivision plan on Bean Hill Road.

CONTRACT:

C. Daigle explained that E. Murphy's contract is up April 1st and the Board has received a memo with the proposed changes to the new contract. J. Marden stated that he would like to see wording changes to the section 13 of the job description. C. Daigle noted the changes and the Board will act on the contract at their March 12th meeting.

HOUSING REPORT:

C. Daigle reminded the Board that Mr. Russ Thibeault will present his housing study at the March 12th meeting.

JOINT MEETING:

P. Harris stated that the Planning Board would also like to get together with the Board of Selectmen after the elections so that everyone can meet any new members on both Board and work on the directions that the Boards will be heading in the upcoming year.

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by P. Harris, it was voted unanimously to adjourn at 8:20p.m. (7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant