

PLANNING BOARD

Monday, April 27, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman Peter Harris; Ward Peterson, Claude Patten, Jon Pike, and Christine Long.
Members Absent: Russ Davis and Gary Flack.
Alternates Present: William Rollins.
Alternates Absent: William Otto.
Staff: Candace Daigle, Rick Ball and Elaine Murphy.

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – HENRY DIONNE, JR.: Request for site plan approval for boat repair, sales and storage. Property is located at 730 Laconia Road, Tax Lot 230-041 in the "C" Zone. PB #0309P.

P. Harris read the lot history. It is a preexisting nonconforming lot (size); developed with preexisting nonconforming single family dwelling (dwelling use not permitted unless related to on-site business- this application would make dwelling use conforming); developed with manufactured home (non-conforming because it's a manufactured home, but conforming otherwise); developed with 3 sheds and 2 membrane structures. One shed and one membrane structure conform to setbacks but need building permits. Two sheds and one membrane structure need to be relocated for setbacks and need building permits.

Mr. Paul Zarnowski and Mr. Henry Dionne presented the application.

Mr. Zarnowski explained that they are asking for waivers for soil report and plans and stormwater management plan and report because there are only minimal changes to the site. The only change will be relocating the driveway. There is no additional impervious area on site. The site has a natural buffer so they are asking for a waiver for the landscaping plan.

BOARD'S ACTION – HENRY DIONNE, JR.:

MOTION: W. Peterson moved to grant the following waivers:

1. Soils Report & Plan based on the developed condition of the site and minimal proposal for additional improvements.
2. Stormwater management plan & report based on the developed condition of the site and minimal proposal for additional improvements.
3. Landscape plan based on the condition that additional information is provided on proposed frontage screening to mitigate boat storage along frontage.

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

MOTION: W. Peterson moved that the application be accepted as complete for the purpose 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 July 1, 2009, subject to extension or waiver.

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

The chairman opened the public hearing.

Mr. Zarnowski explained that Mr. Dionne has been residing on the site for 14 years and has been in the boat repair business for 41 years. The proposal is to work out of the garage and have a portable shrink wrap business. The site has been looked at by the Code Enforcement Office and Mr. Dionne will follow his recommendations. A Hazardous Waste Report has been submitted to staff. Mr. Dionne will be the owner/operator so he will have more control over what happens on site. He anticipates that the sales and boat storage will be out front. He proposes installing a chain link fence for security. The relocated driveway sight distance is 400'. The solar lights will be focused on the sign.

Mr. Zarnowski stated that the dumpster location is different than what is on the plan because the truck that empties it cannot get to it in the proposed location. The relocated dumpster will have a stockade fence around it and be situated so that the truck can drive in and back out. One old shed has been removed and another relocated to a conforming area.

J. Pike wanted to know which sheds they are moving and where will they go. He also had some concern about the membrane structure that is on top of the septic because a septic has to breathe. He would like to see the relocated sheds on the site plan.

J. Pike noticed that the property line goes through the neighbor's garage. Mr. Dionne stated that the neighbor's garage is on his property. He has talked to the abutter and they are still negotiating what is going to be done. J. Pike stated that it has to be corrected and a boundary line adjustment could do that. C. Daigle explained that it was Mr. Berwick's issue because he represented that he met the setbacks when he obtained his building permit. He may have used the wrong pin as a property marker. Mr. Zarnowski stated that they have surveyed the lots up the road to make sure the measurements were correct and it shows that Mr. Berwick's garage is on Mr. Dionne's property. There are existing plans of record showing that. Mr. Dionne stated that he has been working with Mr. Berwick on doing a land swap

where Mr. Berwick gets the land out front that he needs and he would get the same amount of land in the rear of the property. J. Pike stated that this situation should be corrected. Mr. Dionne stated that as soon as they get financing they will complete the transaction. He expects to have everything taken care of by June 15th. P. Harris wanted to make sure that when they do the land swap that the site distance for the new driveway is not compromised. Mr. Dionne stated that he had permission from the State to cut trees in this area to improve the sight distance. He has over 400' of sight distance in both directions.

P. Harris noted that there are no waiver requests on the merits of the application.

W. Peterson wanted to know what "suitable" visual screening is. Mr. Zarnowski stated they are proposing a 5' chain link fence. It is a display area and they want to see the boats. Another option would be to split the front area in half and have half chain link fence only and the other half could have pine trees that can be shaped as shrubs. C. Daigle explained that the problem is they want the exposure for selling but once he converts the site to include storage it has to have visual screening. P. Harris wanted to know if the display area has to sit back off the property line. C. Daigle explained that there is no setback as long as they are on their own property. W. Peterson stated that it is one thing to sell boats and another thing to store them. The property allows the use up to the property line so you could have shrink wrap boats right up to the line. Mr. Dionne explained that the average 20' boat is around 9' high when shrink wrapped. He could put all the same size boats out front so they would look uniform and the other boats behind them. He has white pines on his property that he can replant out front to use as a buffer while they are growing. He stated that Lakes Region Fiberglass has no buffers and the boats for sale and the shrink wrap ones are in the open. C. Daigle stated that the site plan for that lot was done almost twenty years ago. Mr. Dionne stated that most of his shrink wrap boats are gone in the spring. P. Harris wanted to know if they could delineate certain boat sizes so the area does not get overcrowd. C. Daigle stated that the area can be delineated but they can't delineate the parking area because the boats differ in size every year. The issue is the strip of land in front used for storage. Mr. Dionne stated that he could use white or blue shrink wrap if the Board prefers. The white would blend in during the winter.

R. Ball wanted to know if they plant pines would that affect the sight distance. Mr. Dionne stated that it would not. He has had the State check the sight distance. Mr. Zarnowski stated that they would prune the white pines so they are like hedges. He suggested planting the trees only half way so they can see some of the boats and then people can come in to see the other boats. W. Peterson suggested expanding the boat storage out back and using the front for sales displays. Mr. Zarnowski stated that they want to maintain the existing tree line and not add storage out back. P. Harris wanted to know how many boats they would have in storage. Mr. Dionne stated it could be ten but that could take him two years to get that many. He now has enough room out back to have thirteen boats now and would like another ten more. J. Pike stated that if they store boats and someone comes and wants to buy one they could sell it even if it is not in the sale lot. A good portion of the year the boats will have shrink wrap on them so they should consider the whole area as sales not storage.

W. Peterson stated that screening is part of the site plan regulations so the Board would have to waive it. P. Harris stated due to the size of the property it would be a fair request. J. Pike stated that there is a fine line between what is for sale and what is for storage. W. Peterson suggested that if Mr. Dionne is planting white pines in front they could go half way with the planting and leave half unscreened. This

would allow half the front to be used for display and half for storage. W. Peterson stated that if the replanted trees turn brown they will have to be replaced. Mr. Dionne stated that he will replace any trees that turn brown.

W. Peterson wanted to know about the three unpermitted buildings that have to be moved. Mr. Dionne stated that he already submitted building permits for them and is working with S. Dalton on the aquifer inspection. He explained that he drains all the oil filters for ten days and puts all the oil in containers. He is following all of S. Dalton's recommendations.

W. Peterson wanted to know what the completion date is to bring the site into conformance. Mr. Dionne stated that the improvements will be done within six months. When he has the money he will put in the chain link fence and post. He has rented the equipment for May 9th to work on the driveway. He will grade the driveway and then move the sheds. The sheds should be moved in two months and everything else done in six months. W. Peterson stated that he does not have the permits necessary to operate the business so if the site is not brought into compliance in the six month time frame then the business will cease to operate.

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

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. Submission of final plans – 7 paper copies- add following notes:
 - a. Sight Distance clearing required by NH DOT in relation to the new driveway shall be completed and maintained as a condition of this approval.
 - b. Dumpster to be on a solid surface.
 - c. Describe/show visual screening to be installed prior to using frontage area for storage.
 - d. Relocated sheds shown on plan.
2. Payment of decision recording fee (\$16.44 check made payable to Belknap County Registry of Deeds.)
3. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
4. Compliance hearing shall be held by Board as necessary.

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

5. Obtain building permits for 3 unpermitted sheds and 2 unpermitted membrane structures. Relocate 2 sheds and 1 membrane structure currently in setbacks.
6. Frontage area shall not be used for storage until approved screening is installed.

7. Successfully complete Town's aquifer inspection.
8. All required improvements shall be completed no later than November 1, 2009.
9. 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:

10. Continued successful participation in Town's aquifer inspection program.
11. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
12. All exterior lighting shall be shielded from abutters and traffic.
13. 80' of frontage used for boat storage shielded by white pines along frontage and also along Berwick property line.
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. Pike and carried. (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – SUSAN YOUSSEF: Request for site plan approval to permit existing expanded exterior contractor's yard (dock construction and sales) including a 21' x 27' storage shed and three-sided covered workshop addition. Property is located at 252 Daniel Webster Highway, Tax Lot 102-011 in the "C" Zone. PB #1608P.

P. Harris stepped down from the Board for this application and Vice Chairman W. Peterson chaired this application.

W. Peterson read the lot history. It is a preexisting nonconforming lot due to the frontage. Preexisting nonconforming primary structure and immediately adjacent shed is due to front setback on Daniel Webster Highway. A nonconforming 36' x 24' double addition of shed and covered workshop are permitted by recent variances for wetlands, brook and Sun Lake Drive front setback. 1986 boundary line adjustment made the lot bigger. In 1993 Zoning Board of Adjustment granted a variance to construct a 24' x 40' addition to NE side of building. Site plan for expansion was determined by Planning Board to be incomplete. Addition was never constructed. The Planning Board denied a Site Plan Exemption in 2007. In 2009 the Zoning Board of Adjustment granted a variance for the existing shed additions with the following conditions: No structures or additions that do not meet setback, except for those approved herein are allowed. All other necessary permits including site plan are required. Owners shall participate in annual aquifer inspection program. Structure shall remain single story with same dimensions. Use is to remain a minor accessory use, storage and assembly, to primary commercial use.

Mr. Bryan Bailey presented the application. Mr. & Mrs. Youssef were also present.

Mr. Bailey stated that Mr. & Mrs. Youssef have owned the property since the late 1970's which predates zoning. The existing primary structure is 24.5' x 44.5'. In 2009 they were granted an after-the-fact variance to bring the sheds into compliance. Now they are before the Planning Board to bring the site into compliance. The uses on the property consist of retail sale and a two bedroom apartment above the main structure. The primary business is the installation of docks. The parcel is oddly shaped. There is a contractor's yard on site and is shown on the plan. The proposal is to get approval for what is already existing there are no new proposals for the site.

W. Peterson read the waiver request for soils map, aquifer plan/report, utilities/fire protection plan, stormwater management plan, street/driveway plans, landscape plan. He noted that staff supports those waivers. He stated that staff does not support waiving the quality assurance program. Mr. Bailey stated that the Quality Assurance program is mostly done already and will be submitted.

W. Rollins wanted to clarify that the waiver for landscaping is waiving a detailed landscaping plan. C. Daigle explained that staff supports the waiver on the condition that adequate screening/landscaping is erected between commercial and residential access, Sunlake Drive.

BOARD'S ACTION – SUSAN YOUSSEF:

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

1. Soils map as no new development is proposed.
2. Aquifer plan/report on the condition that the plan identifies the site as on the aquifer and a Quality Assurance Program is submitted to provide on-going water quality protection and the owner participates in the Town's required annual aquifer inspection program.
3. Utilities/Fire protection plan on the condition that a building permit application is obtained for all unpermitted construction and the construction complies with applicable building, fire, health, and life safety Codes.
4. Stormwater management plan on the condition that a Quality Assurance Program is submitted to provide on-going water quality protection and the owner participates in the Town's required annual aquifer inspection program.
5. Street/Driveway plans based on no streets and no changes proposed for driveways.
6. Landscape plan on the condition that adequate screening/landscaping is erected between commercial and residential access, Sunlake Drive.

The motion was seconded by C. Long and carried. (5-0)

MOTION: J. Pike moved to deny the following waiver:

Quality Assurance Program as the property is located on the aquifer and all activities should be governed by Best management practices. A QAP addressing only issues that

are applicable to the use occurring on the property should be presented.

The motion was seconded by C. Patten and carried. (5-0)

MOTION: C. Patten moved that the application be accepted as complete for the purpose 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 July 1, 2009, subject to extension or waiver.

The motion was seconded by J. Pike and carried. (5-0)

The vice-chairman opened the public hearing.

Mr. Bailey explained that the cones in the driveway are for the artesian well that is in the parking lot. The well has been there since 1985. The business hours are seasonal sales that run from early spring to fall 8am to 6pm. Monday thru Saturday; they do not work on Sunday. The snow storage area adjacent to brook will have a slight gravel berm to keep debris from washing into the brook. He stated that the gravel parking on the northeast side of the building is not for tenant parking but is used for Youssef and their employees. It is not used in the winter and is not even plowed. The tenants park on the paved parking surface. He addressed staff's concern that one parking space is blocked by two. He stated that it is used by employees or Yousseff and is used based on the first one in is the last one out.

Mr. Bailey addressed the issue of screening. He stated that the use requires screening and they are putting 6' stockade fence along the perimeter of the existing contractor's yard. There is a board fence there now that does not screen because contractor's yard is elevated. Mr. Youssef wants the Board to know that he is not pleased having to put up a fence because it bars him from using 20' of his own property. The area will remain wooded and has not been used in years. They will be putting up a 230' stockade fence on the northeast side of the building and run along the gravel and parallel with Sunlake Drive then southwest for 65'. This will shield Sunlake Drive from adverse views of the contractor's yard. Mr. Youssef has made significant improvement to the site by cleaning it up and stacking material. This is part of the quality assurance plan. He has come a long way to bring the site into compliance. They are asking for the time to bring the site into compliance by March 2010 because this is their busy season and in the fall the ground will be frozen when they finish up their busy season. The March deadline is less than twelve months.

Mr. Bailey stated that the gate to parking lot is locked for security reasons because this is a highly visible site. They will install a Knox box and will provide the Fire Department with a key.

Mr. Bailey explained that the following corrections have been made on the new plan. He ID'd the exterior free standing signs, the on site fuel sources, the exterior lights, business hours for dock construction use, handicapped parking with signage, dumpster location/pad/screening. He included the trash trap between snow storage and the open brook. He stated that the parking lot is not striped so he cannot guarantee that people will not be parking in the eliminated space. Mr. Youssef has applied for a

building permit for the existing building. There have been no access problems around the building as Mr. Youssef has always kept access to the building cleared so as not to impair emergency access.

J. Pike wanted to know if there is a dumpster on site now because where it shows on the plan it looks like there may be a problem to access it. Mrs. Youssef stated that they had one there last year and were able to access it. Mr. Bailey stated that the dumpster will be screened.

J. Pike wanted to know if the Code Enforcement Officer has an issue with the dwelling unit in the structure. C. Daigle stated that it is permitted for one dwelling unit and S. Dalton wants to make sure there is only one apartment there. Mr. Bailey stated that all S. Dalton has to do is contact his client and they will let him in.

Mr. Bailey stated that he is asking for waivers for the plan scale, offsite topo, parking space calculations and auto trip per day. The other waivers have been withdrawn. The waiver for the parking space calculation is because this is an existing site that has adequate and sufficient parking spaces. The waiver for the offsite topo is because there are no offsite impacts within their 50' perimeter. The road has just been completed so there is no need for calculating the auto trips per day, there is no increase in traffic as this is an existing business.

Atty. Phil Brouillard, owner of Sunlake Village stated that he is glad that Mr. Youssef is fixing up the property and he is good with the 230' of fence but would like the good side to face out. When the fencing is complete he wanted to know if there would be additional plantings along the fence line. Mr. Bailey stated that no additional plantings would be done. Atty. Brouillard stated the fencing will be adequate but he does not want to wait until March 2010 for the fence to be installed because of the visual impact the site has from Sunlake Drive. They will not be able to erect a fence in March because the ground will still be frozen. The visual impact of the site is a detriment to the sale of his lots in Sunlake Village. He would like the fence up as soon as possible because nothing can be done in the middle of the winter. Mr. Youssef stated that he cannot install the fence now because it is his busiest time of the year. He asked the Board for the extended time because he has done what Mr. Brouillard has asked for in the past concerning his other property and it still didn't satisfy him. He just needs more time for compliance. Atty. Brouillard stated that if Mr. Youssef is not using his own help he requests that the fence be put up immediately.

W. Rollins wanted to know how many people park on the site. There is one dwelling unit, another business plus the dock business and they might have to lose two spaces for handicap spaces. Mr. Bailey stated that occasional there is parking along side the building. The building is 60' long so that can accommodate six cars. Mrs. Youssef and her employees have vehicles. W. Rollins wanted to know how many cars park on the site. Mrs. Youssef stated that she has one vehicle, her tenant has one vehicle and most of her dock employees don't have vehicles. The retail business is not there anymore. Mr. Youssef stated that their customers do not typically go to the site. Most of the sales are done by phone and they go to the customer's house. Very seldom do people go to their site. Mrs. Youssef stated that in all the time they have been in business they have had no problems with cars parking along side the road. Mr. Bailey agreed that there has never been a problem with parking. There are no lines delineating the parking spaces so he does not know how to calculate the parking. The area is adequate. Mr. Youssef

stated that even when the computer business was on site there were no parking problems. Mr. Bailey stated that he is asking for a waiver for parking space calculating. W. Rollins stated he needs some calculation for what they are waiving. Mr. Bailey stated that he can't calculate the parking because it is a seasonal business. W. Rollins stated that the business can be open for eight months out of the year. Mr. Bailey stated the calculations are unnecessary because they have been operating on the site for 30 years. C. Daigle stated that the calculations certainly could be done based on the number of employee and tenants. There have been no parking issues when both retail uses were on the property plus there was more than one dwelling unit on the site. They have never exceeded parking limits on site. This is a not expansion of what is currently on site. The proposal is to bring the site into compliance.

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

MOTION: J. Pike moved to grant the following waivers:

- a. Plan scale.
- b. Offsite topo. No offsite impacts are occurring, proposed or anticipated.
- c. Auto trips per day info. No proposed increase in existing traffic.

The motion was seconded by C. Patten and carried. (5-0)

MOTION: C. Patten moved to deny the following waiver:

1. Parking space calculation.

The motion was seconded by J. Pike and carried. (5-0)

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. Submit QAP including applicable information required by Section 5.D.5 of the Site Plan Regulations.
2. Submission of final plans (6 paper copies). Notes:
 - a. ID related exterior free-standing signs including any moveable temporary signs.
 - b. ID on-site fuel sources including heating fuels.
 - c. ID all exterior lights.
 - d. Included trash trap (stone berm/other) between snow storage and open brook. Trash to be removed as necessary with no material allowed into the stream. Trap to be maintained as necessary.

- e. Business hours for dock construction use to be 8am -6pm Mon-Sat..
- f. ID Handicapped parking w/required signage.
- g. Eliminate parking space that blocks 2 other spaces.
- h. ID dumpster location/pad/screening.
- i. No burning/burning of construction debris.
- j. Lot is on aquifer.
- k. Location, type, extent of site screening (230' of 6' high wooden stockade fence with good side out.
- l. Locked gate to yard requires knox padlock/box.
- m. Parking space calculation.
3. Provide/maintain prominent 911 number.
4. Payment of decision recording fee (check for \$16.44 made payable to Belknap County Registry of Deeds).
5. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
6. Date by which site compliance is required November 1, 2009.
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. Obtain building permit for unpermitted additions, comply with all applicable fire, building, health and life safety codes. 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.
9. Install trash trap, HC parking signage, dumpster/pad/screening, site screening, knox padlock/box.
10. Successful first aquifer inspection.

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

11. Continued successful participation in Town's aquifer inspection program.
12. Landscaping shall be maintained, shall be kept in a slightly manner and not allowed to deteriorate.
13. Operation is to maintain current site characteristics (covered, sorted, organized storage, no accumulation of trash or debris, clear emergency lane access).
14. Trash to be removed as necessary with no material allowed into the stream. Trap to be maintained as necessary.
15. No burning/buring of construction debris.
16. All exterior lighting shall be shielded from abutters and traffic.
17. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
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.

20. Approval is subject to expiration, revocation and changes in the Ordinance.

The motion was seconded by J. Pike and carried. (5-0)

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

Request for site plan/earth excavation approval to re-permit a gravel pit. Property is located at 224 Hurricane Road, Tax Lot 231-014 in the “R” Zone. PB # 0409P.

P. Harris rejoined the Board.

Mr. Howard Warren presented the application.

Mr. Warren explained that he was before the Board two years ago for a gravel pit permit. They purchased the lot on Hurricane Road and subdivided it into four lots with a remaining 102 acre lot. 23 acres of the site had been previously mined. They came in 2007 and received approval for excavation. He then got together with Mr. Bill Nutter and in November 2007 he came back to the Board to amend their approval to include crushing, retail and on site fuel storage. When they received their Alteration of Terrain permit they worked with the Town and DES to schedule reports at the same time. When they received Town approval in 2007 they did not begin excavating right away because they had to build the road, pave the entrance, build the scale house and restroom. They didn't move material until that work was completed. The current operation is spotty due to economy in the last two years. The 23 acre reclamation plan is three years ahead of schedule. They are stockpiling the loam and screening the material. They have reached an agreement with the Town giving them an easement to go through the pit to access the town pit. They have also come to an agreement for the improvements to Hurricane Road. He is responsible for 100% of the damages to the paved entrance to the pit and paid for 1/3 of damages to Hurricane Road back from Seavey Road to the pit. He follows the aquifer inspection recommendations. He has a letter of credit for reclamation. He cannot make changes to the approval unless he comes back to the Board.

P. Harris thanked Mr. Warren for a thorough application and for all his help working on improving the earth excavation regulations.

BOARD'S ACTION – BLUE SKY ENTERPRISES, INC.:

MOTION: W. Peterson moved that the application be accepted as complete for the purpose 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 July 1, 2009, subject to extension or waiver.

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

The chairman opened the public hearing

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

MOTION: W. Peterson moved to grant the following waiver:

1. Annual inspection by NRCS as NRCS no longer provides this service.

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

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. Permit shall expire October 31, 2011.
2. Annual inspections shall be made by staff instead of NRCS.
3. Security:
 - a. Reclamation security of \$10K be maintained in accordance with 2007 initial approval.
 - b. Road security of \$10K be maintained in accordance with 2007 amendment.
4. All other conditions of the 4/07 approval and 11/07 amendment to remain in place.
5. Compliance hearing shall be held by Board as necessary.
6. No changes shall be made to the approved plans unless application is made in writing to the Town.
7. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
8. 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 – 223 D. W. HIGHWAY LLC:

Request for site plan approval to construct a 19,370 sf commercial property for fast food restaurant and retail uses. Property is located at 223 Daniel Webster Highway, Tax Lot 101-028 in the “C” Zone. PB # 0509P.

Mr. Jim Spaulding presented the application. Mr. Mark Young, Mr. Martin Nagle and Atty. Brian Sullivan were also present.

Mr. Spaulding explained that the building burned down in January 2005 and they came before the Board in 2006 to rebuild in the same footprint with 80% of lot coverage. There was an upper level parking area as part of that plan. They received site plan approval and started construction. Due the

economy construction stopped and the approval lapsed.

Mr. Spaulding explained that tonight's proposal is to construct two buildings done in four phases. The first phase is for a 56,000 square foot fast food restaurant. They are proposing long term temporary parking adjacent to the fast food restaurant for first phase and when they come to phase four of the build out they will build the remaining parking spaces. They are requesting a waiver for the eighty-three required parking spaces because that is more than what was there. The restaurant and retail uses will not have peak parking at the same time.

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

BOARD'S ACTION –223 D. W. HIGHWAY LLC:

MOTION: C. Long moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by July 1st subject to extension or waiver.

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

The chairman opened the public hearing.

Mr. Spaulding stated that this proposal decreases the impervious area. C. Daigle wanted to know what the time line for buildout would be. Mr. Spaulding stated that active and substantial development of the improvements would be within twelve months and full buildout within forty-eight months.

Mr. Spaulding stated that the buildings would be one story and the buildings will have sprinklers. There will be a cistern on site. The dumpster will be enclosed.

W. Rollins was concerned about the waiver for minimum parking space calculation. They would be waiving the spaces without knowing who the future tenants would be. C. Daigle stated that each unit has to receive a Certificate of Use before they can operate. The parking spaces for every unit will be reviewed before the Certificate of Use is issued. If there is a problem then they will have to come back to the Board to address those concerns. W. Peterson stated that they calculated parking on high side for this type of business because people come and go at different times depending on the type of business. C. Daigle stated that it is similar to the waiver they granted for the Vineyard. That arrangement works well with businesses that peak at different times.

MOTION: W. Peterson moved to grant the following waiver:

Minimum parking space calculation.

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

W. Rollins suggested to Mr. Spaulding to that he check with DOT on the drainage. Mr. Spaulding stated that they are not increasing runoff and are providing treatment for drainage but he will check with DOT to make sure everything is done right.

P. Harris stated that the Conservation Commission had some concerns about the drive through. Mr. Young stated that it will probably be a bank drive through. P. Harris stated that would be less congested than a restaurant drive through.

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. Submit Final Plans (6 paper copies):
 - a. Sheet CX – item 1 reference to DOT should now be 2006.
 - b. Sheet CX – items 13-16 are duplicates or similar to items 12-15.
 - c. Several sheets Owner's address is different from address on application form.
 - d. Sheet C2
 1. Clarify parking space calculation regarding how many spaces will be provided at full buildout.
 2. Clarify how grass/paved/access/dumpster areas will be configured for installation of "future" spaces.
 3. Remove note about site being non-conforming.
 4. Note #4 is no longer valid unless the property owner wishes to bring municipal water to the site.
 5. Requirements of Fire Department to be confirmed for a new site proposal.
 6. "Future" spaces to be constructed no later than Phase IV and to be completed prior to occupancy of Phase IV.
 - e. Statement on plan "site not in aquifer zone".
 - f. Add buildout schedule.
 - g. Check dumpster area size.
 - h. Live entertainment and/or liquor sales accessory to restaurant use requires further approvals.
2. Submission of building plans, approved by Building Inspector & Fire Department prior to plan signing and the issuance of a building permit. Shall comply with all applicable building, fire, health, and life safety codes including fire alarm/suppression.
3. Payment of decision recording fee (\$16.44 check made payable to Belknap County Registry of Deeds).
4. NH DOT permit renewal.
5. Security required for abandonment/closure & as-built plans. Engineer to submit estimate of both costs. Amount to be set by staff. To be deposited with Town prior to plans being signed

and any site work commencing. Security to be in a form approved by the Town. Retainage of 10% until complete and 2% for one year post-completion may be held.

6. Return of signed Inspection Schedule prepared by 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. Coordinate sewer connection w/Sewer Supt.
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 Ordinance.

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 J. Pike, it was voted to approve the minutes of the April 13, 2009, meeting as submitted. (5-0-1) W. Peterson abstained.

STAFF REPORT:

MEMBERS:

MOTION: C. Patten moved to appoint R. Caldwell as an Alternate Member of the Planning Board to March 31, 2011.

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

EARTH EXCAVATION REGULATIONS:

C. Daigle stated that she had heard back from LGC on what is an approving or disapproving abutter. All abutters are considered to be disapproving abutters unless they come forward stating that they are an approving one. C. Daigle stated that the meeting with the excavators was very productive and she will be sending the Board a draft of the proposed amendment for their review.

TERRA FIRMA TAX LOTS 229-053,229-053-01, 226-012, 226-012-01 & 226-012-002:

C. Daigle explained that approval for Terra Firma a 24 lot subdivision that was accepted in 2006 has expired and the project abandoned. A condition of approval was to escrow funds for Gerry Lang's review. A letter was sent to the applicant requesting additional information for the extensive review. It is just now being submitted.

C. Daigle explained that the applicant is interested in moving forward with their project. It was the consensus of the Board that the original approval has expired and the applicant will have to come back to the Board with a new application.

HUTCHINSON MOTORS TAX LOT 224-038:

C. Daigle explained that Mr. Walter Hutchinson is moving out of his site on 6 Farrarville Road and Heitz Motors will be moving in. Mr. Hutchinson has submitted a letter stating that he is abandoning the rest of the site improvements and has not completed the condition of placing a stockade fence around the leach field. This will be recorded in the Registry of Deeds. There is escrow money for the independent review of the water system that will remain in the escrow funding as more water testing is required. Money for the as-built will be refunded to Mr. Hutchinson when the fence is completed.

HOUSING UPDATE:

C. Daigle explained that she attended a Community Economic worksession on work force housing. There was discussion on the difference between affordable housing and work force housing and the Committee's interest was the need for more work force housing. Manufacturing companies looking to relocate to New Hampshire are discouraged that there is not enough work force housing available to house their employees. They find New Hampshire too expensive. The Board discussed the fact that housing costs in New Hampshire include services such as police and fire safety and other community services that are not as readily available in other parts of the country. Other parts of the country also have other taxes like sales and income taxes where New Hampshire has property taxes. These are issues that have to be taken into considering relocating a business to a new area.

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 10:10 p.m. (6-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant