

PLANNING BOARD

Monday, December 13, 2010
Belmont Corner Meeting House
Belmont, New Hampshire

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

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – IDH REALTY LLC: Request for site plan approval to construct a 20' x 60' addition for bus maintenance and repair. Property is located at 592 Laconia Road, Tax Lot 224-013 in the "C & R" Zones. PB # 3210P.

Mr. Frank Yerkes and Mr. Clay Dunn presented the application.

Mr. Yerkes explained that he represents IDH Realty with Clay & Rosemary Dunn as managing trustees. The proposal is for a 20' x 60' addition to the back of the garage. They have a signed agreement with First Student to move their bus terminal there. Mr. Dunn has done some paving on site. The striping has been done with the handicap parking in front.

Mr. Yerkes addressed staff's concerns. He stated that the landscaping was not on the plans because he would like to address that with the Board. He explained that the regulations require 2'-4' high screening but the buses are higher than that and the screening would not cover them. The manhole to the south of the building is for the septic. The dumpster will have an asphalt pad. There are no floor drains in the building. The existing light on the rear of the building will be moved to the back of the addition when done. There will be no on site fueling. He explained that the lessee, First Student, would be responsible to get the necessary permits from the Town and State if they decide to have on site fueling in the future. There is no plan for on-site fueling at this time. He explained that there are fourteen engine block heater connections for the diesels to plug into. There will be no vehicles washing on site. Mr. Dunn explained that at First Student's other sites they have a mobile wash come in once or twice a year but this will not be happening on this site. When the mobile wash goes to their other sites they bring in a 50' spill pan that the buses drive up on to be washed and waste is removed from site. First Student is very environmentally conscientious. He had an environmental study done and then First Student had

theirs done on this lot. They will also have an environmental study done on their present site when they leave it.

Mr. Dunn addressed the management of on-site contaminants by stating that First Student has their own safety person that oversees the management of on-site contaminants storage. He stated that he has purchased a new furnace that uses waste oil that holds 330 gallons.

Mr. Yerkes stated that First Student wants to have an 8' x 40' storage unit on site to store new and used tires and parts so as not to tie up shop space. The trailer would be put in one of the parking spaces next to the addition.

Mr. Yerkes addressed staff concerns about bollards around the LP tanks explaining that Mr. Dunn has installed concrete blocks around the tanks.

BOARD'S ACTION – IDH REALTY LLC:

MOTION: C. Patten moved to grant the waiver for soils and stormwater management/report as the lot was thoroughly reviewed at the time of the initial development, all stormwater facilities are in place and functioning and the building addition is relatively small and will be constructed over an area previously used for parking.

The motion was seconded by D. Sanborn and carried. (4-0)

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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 2/16/11 subject to extension or waiver.

The motion was seconded by D. Sanborn and carried. (4-0)

The chairman opened the public hearing.

C. Patten wanted to know where the dumpster was located. Mr. Dunn used the plan to show the dumpster location in front of the leach field. He explained that he would like to screen it in only on the front and abutter's side because those are the only sides that are visible. There are trees around the septic system.

W. Peterson wanted to know about the site screening. C. Daigle explained that the purpose of screening of parking lots is to break up the rows of vehicles. It is used to improve the aesthetics of the site. Mr. Dunn stated that there is no screening to the west because there is nothing behind them. C. Daigle suggested having some screening to the south because there is a commercial lot that may want to be developed in the future. Mr. Dunn stated that there is a great distance to the north between him and the abutting business. P. Harris stated that the Board has been active with fencing by requiring other

businesses that came before the Board to have fencing. Mr. Dunn stated that the building is centered on the lot and there is ample vegetation on site. Does the Board think it would be better with a fence across the front? P. Harris stated that Mr. Dunn has been doing a beautiful job on the property so far. Mr. Dunn stated he plans on having some natural vegetation landscaping along the side. He will do street trees for the front landscaping. He explained that they have problems snowplowing with fences. C. Patten stated that landscaping is better and more pleasing as long as it is maintained. Mr. Dunn agreed and stated that he doesn't want to do anything on the abutter's side next to the ROW until he has a chance to talk to the abutter. The ROW is on his property but he wants to know how the abutter wants to handle the ROW before he does anything with it.

C. Patten wanted to know if the storage trailer will be perpendicular to the building. Mr. Yerkes stated that it will take up one bus parking space. C. Patten wanted to know if any buses would be parked along the south side of the building. Mr. Dunn explained that there would only be the small bus/van type vehicles parked alongside the building. C. Patten wanted to know how many buses would be parked on site. Mr. Dunn stated between 50-52 during the school year and around 75 in the summer when maintenance work is done on them. Parking in front of the building will be limited to cars only.

C. Patten wanted to clarify that the addition would be 20' wide. Mr. Dunn stated that it would be 20' wide to allow room to house three buses at a time. C. Patten wanted to know how many parking spaces there would be for cars. Mr. Dunn stated that there are thirty parking spaces for cars. The parking area has been paved and there are no problems with drainage from the site.

C. Patten wanted to know about the lighting. Mr. Dunn explained that there are two existing lights on the building that will be moved to the gable ends of the addition and one light along the frontage that points into the site. No other lights will be added.

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

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

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

1. Submission of final plans (6 full-sized paper copies, 1 reduced paper copy). Submit one copy of the final plan for review prior to submitting additional copies. Add/identify/include note on plan:
 - a. All required professional signatures/stamps.
 - b. Protection around LP tank.
 - c. Dumpster screened on south and east sides and on impervious surface, lids kept closed at all times except during active use to minimize loss of refuse.

- d. Note that Property is not in Aquifer Protection District.
 - e. List and time line of landscaping to be accomplished on Rte 106 side.
 - f. ID manholes to septic tank and pump tank.
 - g. State whether or not there are floor drains in the building.
 - h. Show any additional lighting.
 - i. Any on site fueling requires Town and State permits.
 - j. Show any proposed engine block heater connections.
 - k. State whether or not there will be any vehicle washing onsite.
 - l. State details of management of on-site contaminants (oils, etc.) as to storage before/after use and disposal.
 - m. Show required handicapped parking space(s).
 - n. Show expanded parking.
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. Payment of decision recording fee – check made payable to Belknap County Registry of Deeds for \$16.44.
 4. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
 5. Compliance hearing shall be held by Board as necessary.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

6. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
7. 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:

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

The motion was seconded by C. Patten and carried. (4-0)

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by W. Peterson, seconded by C. Patten, it was voted to approve the minutes of the November 22, 2010, meeting as submitted. (4-0)

STAFF REPORT:**DONALD GRANT TAX LOT 215-020 & 215- 021:**

The chairman signed the boundary line adjustment and subdivision plans for Donald Grant on Hoadley Road. Mr. Grant will block off the second driveway before the plan is recorded.

BROWN HILL ROAD IMPROVEMENTS:

C. Daigle explained that a traffic study was done to determine what improvements to Brown Hill Road and the intersection of Brown Hill Road and Rte 106 would be needed as part of the traffic impact from five developments. The Board previously contracted with Underwood Engineering for a design for improvements to the 106 intersection. She has contacted DOT to see if they are still considering moving their fuel lot to the Belmont site. They informed her that they are still working on it but have no specific time frame when that will happen. She also contacted Mr. Steve Pernaw about calculating the cost of improvement for the upgrades to Brown Hill Road and the intersection. He explained that there are two methods of applying the fees. The total cost of the improvements can be divided among the developers or the developer can be assessed a percentage of the cost of improvement based on their increase impact to the road. It was the consensus of the Board that their intention was to have the developers pay a percentage of the cost of improvements based on their increased impact on the road.

EMPLOYMENT CONTRACT:

The Board reviewed the proposed two year contract extension for E. Murphy as Administrative Assistant. C. Daigle explained that the proposed changes include changes in bereavement leave for immediate family. E. Murphy has requested two additional days of bereavement leave for immediate family and those two days be taken from her accumulated sick leave. Therefore there will be no cost to the town. She has also requested that "grandchild" be included in the list of immediate family members for the purpose of calculating bereavement leave.

C. Patten wanted to know why E. Murphy's days are calculated on 8.75 hours. C. Daigle explained that she works four 8.75 hour days for a total 35 hour week. She started out as a part time employee and as her hours increased she wanted to work only four days so her working day increased to 8.75 hours.

MOTION; On a motion by C. Patten seconded by D. Sanborn, it was voted to enter into the two-year contract (4/1/11 to 4/1/13) with E. Murphy as proposed. (4-0).

CHURCH STREET SIDEWALK:

C. Daigle explained that the Board of Selectmen held a public hearing last week on the Church Street sidewalks and received positive feedback from the public. The sidewalk will go on the westerly side of Church Street beginning at the emergency entrance to the high school down to Monument Square across

the street to the Catholic Church then cross to Main Street to the sidewalk that is already there. They will reconstruct Church Street and some drainage work will be done. The project will go out to bid and February and be done next year.

ZONING AMENDMENTS (see attached):

C. Daigle explained that the State has adopted a new law that requires new fuel tanks to have a roof over them. Currently Belmont exempts the concrete pad required by the State from the setback requirements. After a discussion with S. Dalton they feel that the roof over the tanks should also be exempt from the setback requirements. The structure will still need a building permit but would not have to meet the setback requirements.

Bus stop buildings and mailbox structures need to be adjacent to roads for access and should also be exempt from the setbacks. Currently they have to go to the Zoning Board for a variance to be in a location that is near the road. They would still need a building permit but would be exempt from meeting the setbacks.

The second proposed amendment concerns burial grounds/cemeteries. C. Daigle explained that people are creating private burial site and through the years can move away and end up leaving them abandoned and not maintained. When that happens the Town ends up taking care of it. This becomes a burden on the town. The town also might not know where all the private burial grounds are located. The community has the responsibility to protect the sites but it should not be a financial burden to the town. The regulations would require site plan approval for burial ground so that the Town would know where they are and be able to keep records on them. The State has strict laws concerning burial sites and most people are not aware of them. This would help people who are unfamiliar with the State regulation by outlining the State laws.

The third proposed amendment deals with a problem that has been developing with people creating apartments in detached dwellings. The Zoning Board of Adjustment has been dealing with after-the fact accessory apartments or those wanting to create an accessory apartment in a detached building. One way to address the situation could be to add a line in the accessory apartment requirements that accessory living space shall not occur within an accessory building. An accessory apartment has limitations.

P. Harris wanted to know if NH requires renters to register with them. C. Daigle stated that under Belmont's new ordinance landlords are required to have their rental units inspected. P. Harris stated that this has to be viewed from a safety aspect. W. Peterson stated that accessory apartments have guidelines so it shouldn't matter if they are connected or not. C. Daigle wanted to know if they need to change the definition of accessory apartment because the definition states that it needs to be in the house. W. Peterson stated that the accessory apartment is meant to be small. C. Daigle stated that if they allow it to be detached are they allowing two dwellings per lot with restrictions. Would they allow a second house on a lot? W. Peterson stated that if the main building is that large there wouldn't be a problem if the apartment meets the setbacks. P. Harris stated his concern is the density and the impact on town services. W. Peterson stated that the accessory building can only be 25% of the main dwelling unit so it can only be so large. P. Harris is not concerned about family moving back home but is cautious about an entrepreneur coming in to make money by buying property and adding accessory apartments in detached

dwellings. C. Daigle stated that an accessory apartment was intended to be in the main dwelling space. W. Peterson stated that the definition could limit it based on size.

The fourth proposed amendment is related to electronic signs. This was brought to the Board's attention through the Village Charrette program and Plan NH. They want to keep a certain characteristic to the village and large electronic signs may detract from it. The lumination and changing speed can be distracting. C. Daigle explained that she designed the sign regulations from sign companies and regulations from other towns.

C. Patten wanted to know if 15 minutes is too long for a message. C. Daigle stated that would allow the message to change four times every hour. W. Peterson wanted to know if the Town has something that can measure the brightness. R. Ball stated the specs come from the manufacturer. W. Peterson stated that they have to do something before issues arise.

C. Daigle explained that the Board needs to hold the first public hearing either December 27, 2010 or January 3, 2011 and the second public hearing no later than January 17, 2011.

C. Patten stated that they could post everything except living space because that needs to be defined more. C. Daigle suggested adding the wording no living space in a detached building. All living space must be within the dwelling unit. D. Sanborn wanted to know why if there is enough room on the property to put a separate building and still meet the setbacks. R. Ball stated that the requirements now state that one unit has to be owner occupied so the units cannot be sold separately. C. Daigle wanted to know what happens when there are two dwellings and the owner wants equity and decides to turn them into condos. P. Harris stated that if the accessory apartment is detached he feels they would be more appealing to strangers where if the person is renting in your home you would want a family member or someone close to you. You wouldn't want a stranger living in your home. He thinks the Board needs to study this more.

MOTION: C. Patten moved to notice the following for a Public Hearing on December 27, 2010:

1. Exempt from setbacks: Mailbox structures, bus stop structures and enclosures required by law for fuel tanks.
2. Burial Grounds/Cemeteries: Allow new burial sites/cemeteries in the rural zone only (no longer also in the village zone). Include in the Zoning Ordinance the statutory setbacks for cemeteries. Regulate the creation of private burial site/cemetery on private property (setbacks and by requiring Site Plan approval) so that the site is appropriately identified in the Town's records and to provide better protection for the site in perpetuity. Define "interment".
3. Restrict electronic signs.

The motion was seconded by P. Harris and carried (4-0).

RURAL SETBACKS:

C. Patten wanted to know what the setbacks are for the rural zone. C. Daigle stated that they are 50' on

all four sides. C. Patten wanted to know why the rural zone should be restricted more than other zones. Having 50' from the property lines makes it so there is 100' between buildings on two lots. The rural zone requires 3 acres so there is a lot of land that the property owner cannot use. C. Daigle explained that there are a lot of nonconforming lots in the rural zone and those lots can reduce the side and rear setbacks. Also buildings less than 300 square feet can reduce the setbacks. W. Peterson stated with the 3 acres the setbacks keep the building in the middle of the land. C. Patten stated that if they have three acres why restrict them? P. Harris stated it is keeping with the rural character and is based on a percentage of the land. Moving to the rural zone gives people the security of having no one build right next to them. D. Sanborn wanted to know what happens if they want to put up a garage next to the house and it doesn't meet the setbacks. P. Harris stated that they have to go to the Zoning Board. If it is less than 300 square feet then the side and rear setbacks can be reduced to 25'. C. Patten stated that if they reduce the side and rear setbacks to 25' there would still be 50' between buildings. C. Daigle agreed that the 50' is a planning technique to maintain the rural character.

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 9:12 p.m. (4-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant

<p>1. PURPOSE- Exempt the following structures from having to meet property line setbacks: Structures erected to enclose cluster mailbox delivery units, structures required by law to cover aboveground fuel tanks, and bus stop shelters.</p>	
SECTION	PROPOSED
PG 5-6 - Article 5, Table 2	<p>Add new footnotes to “Minimum Structure Setbacks from Property Line (in feet)”:</p> <p>Exempt from property line setbacks: structures erected to enclose cluster mailbox delivery units.</p> <p>Exempt from property line setbacks: bus stop shelters.</p> <p>Exempt from property line setbacks: structures required by law for aboveground fuel tanks.</p>
<p>2. PURPOSE- Cemeteries, Private Burial Grounds and Burials on Private Property not within an established burial ground: Establish setbacks for the creation of new and/or expansions of existing cemeteries, private burial grounds and burials on private property not within an established burial ground; permit only in the Rural Zone; require Site Plan approval for new and/or expansions of existing cemeteries and private burial grounds; require the location of burials on private property not within an established burial ground to be reported and recorded in the property deed; restrict construction, excavation and building from occurring within 25’ of cemeteries, private burial grounds and burials sites. Add Definitions.</p>	
SECTION	PROPOSED
PG 5-3 - Article 5, Table 1	<p>Replace “Cemeteries” with “Cemeteries, Private Burial Grounds, Burials on Private Property”</p> <p>Amend to permit in Rural Zone only (Currently permitted in Rural & Village Zones).</p>
PG 8-13 - Article 8. New Section.	<p>Cemeteries, Private Burial Grounds, Burials on Private Property</p> <p>Cemeteries and private burial grounds shall not be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any Class V municipal or state highway.</p> <p>Existing cemeteries and private burial grounds which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any Class V municipal or state highway.</p> <p>Cemeteries and private burial grounds are subject to Site Plan Review by the</p>

	<p>Planning Board.</p> <p>Interments on private property not in an established burial ground shall not occur within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right-of-way of any Class V municipal or state highway. Prior to interment, the location of the burial site shall be reported in writing to the Town of Belmont Cemetery Trustees and Land Use Office and shall also be recorded in the deed to the property upon transfer of the property to another person.</p> <p>No new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.</p>
<p>PG 15-4 - Article 15. New Definition</p>	<p>Interment - The permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.</p>
<p>3. PURPOSE- Electronic and Flashing Signs: In addition to existing applicable sign Ordinance, establish regulations for the placement, design and use of electronic signs. Prohibit flashing signs in all zones.</p>	
<p>SECTION</p>	<p>PROPOSED</p>
<p>PG 4-4 – Article 4.I. Add New category.</p>	<p>Electronic Changing Sign/Billboard - Electronic message center (EMC), electronic message sign (EMS) and changeable copy board (CCB), signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation and/or patterns. This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals. Electronic changing signs are permitted in the Commercial and Industrial Zones only. Electronic changing signs are allowed only as a component of a freestanding sign and shall conform to the following minimum requirements along with all other requirements for freestanding signs within this ordinance.</p> <p>(1) Definitions relevant to Electronic Changing sign/billboard:</p> <p style="text-align: center;">BRIGHTNESS - Also known as "intensity"; the LED</p>

	<p>Industry measures display intensity in candelas per square meter, which is also referred to as "NITS."</p> <p>DIMMING - The ability to increase or decrease the overall display intensity brightness.</p> <p>DIODE - Also called "light-emitting diode" (LED) or "surface-mounted diode" (SMD).</p> <p>LED (LIGHT EMITTING DIODE/SMD) - A solid-state component that uses a semiconductor (a silicon chip or some type of semiconductor) that emits visible light when electric current passes through it.</p> <p>LUMINANCE - The amount of light that passes through or is emitted from a particular area. The SI unit for luminance is candela per square meter.</p> <p>NIT or NITS - A luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.</p> <p>SI UNIT - An abbreviation for the International System of Units.</p> <p>TEXT – Any form in which writing exists.</p> <p>(2) No more than one electronic changing sign shall be allowed per lot.</p> <p>(3) Electronic changing signs shall not exceed 50% of the area of a freestanding sign or 49 square feet, whichever is smaller. Electronic changing signs shall be restricted to a maximum of four lines of text or message display, and text shall be restricted to a maximum of 10 inches in height.</p> <p>(4) Electronic changing signs shall be required to have a minimum of 150 feet between other electronic changing signs located on the same side of a street or roadway.</p> <p>(5) Electronic changing signs shall be allowed only on lots with a minimum street frontage in accordance with the Table of Minimum Dimensional Requirements.</p> <p>(6) Electronic changing signs shall be located a minimum of 200 feet from any off-site residential dwelling unit.</p> <p>(7) The portion of a freestanding sign that contains an electronic changing sign component shall only be operated during the hours the business associated with the electronic changing sign is open.</p> <p>(8) All illumination elements on the face of electronic changing signs shall remain at a fixed level of illumination for a period of not less than 15 minutes.</p> <p>(9) All text and message displays of an electronic changing sign shall fade onto and off of the electronic message display area, statically and uniformly, at a rate of change of no more than two seconds.</p> <p>(10) Electronic changing signs shall be equipped with automatic dimming</p>
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	<p>controls, so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of sign permit specifying maximum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 20% of the sign's maximum brightness.</p> <p>(11) Under the provisions of this subsection, the applicant for a sign permit for an electronic changing sign shall provide with the application an affidavit, sworn or attested by the landowner, applicant and sign installer, attesting to the fact that:</p> <ul style="list-style-type: none"> (a) The sign to be installed meets all of the criteria set forth in the subsection; and (b) That the sign shall operate in a manner consistent with the criteria set forth in this subsection; and (c) The landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines or cost incurred by the Town of Belmont to enforce these provisions arising from such violations. This provision shall not be construed to supersede any other responsibility or remedy for such violations set forth in this chapter.
<p>PG 4-4 – Article 4.I. Add New category.</p>	<p>Flashing Sign - Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever; does not include electronic changing signs (message center). No flashing signs are permitted in any district.</p>