

## PLANNING BOARD

Monday, July 26, 2010  
Belmont Corner Meeting House  
Belmont, New Hampshire

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

The chairman opened the meeting at 7:03 p.m.

The Chairman introduced and welcomed the new Fire Chief David Parenti and SAU Superintendent Mark Blount and stated that the Board looks forward to working with them. In the past there has been a good working relationship between the Planning Board, the School Superintendent, School Board and the Fire Department and they wish to continue that relationship. The Board values their input and suggestions.

Mr. Blount stated that it is a pleasure to be Belmont's School Superintendent and he looks forward to working with the Planning Board to meet both their needs and the schools needs.

Fire Chief Parenti stated that he has been in contact with C. Daigle and wants to work with the Planning Board on reviewing plans. P. Harris stated that the Fire Department gets copies of all the Planning Board applications and they value the Fire Department input on those applications. Chief Parenti stated that he will review the plans and submit the Fire Department's input and concerns. His goal is for the safety of Belmont's citizens. If the Board has any questions or concerns he is willing to work with them and answer any questions. If they need him to attend any meeting they just need to let him know.

P. Harris thanked Mr. Blount and Chief Parenti for taking the time to attend tonight's meeting and looks forward to working with them in the future.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – JOHN FROUMY AND JON & SALLY KONING:** Request for Boundary Line Adjustment approval to transfer 14.57 acres from tax lot 205-011 to 205-015. Property is located at 133 & 169 Mile Hill Road, in the "R" & "RS" Zones. PB

Minutes Available 7/28 /10

#1610P.

Mr. Frank Yerkes presented the application.

Mr. Yerkes explained that Froumy's existing lot is 32.2 acres and Koning's lot is 6.78 acres. The proposal is to transfer 14.75 acres from Froumy to Koning. They are requesting a waiver for topo and soils because this is a large lot and they are not proposing any new lots. There is no impact to the town. The Koning property is nonconforming because they have no frontage. The Froumy lot is conforming and has frontage. He will remove the reference to the ROW on that plan as it is not a ROW. Both lots are existing lots and have each a well and septic system.

**BOARD'S ACTION – JOHN FROUMY AND JON & SALLY KONING:**

**MOTION:** C. Long moved to grant a waiver for the following:

- a. Topography & Soils as this is a boundary line adjustment, both lots will still far exceed the minimum required lot size, both have existing on-site well & septic systems and the surveyor has certified that the lot being reduced in size (to 17.64 acres) can still support an expanded or replaced septic system in the future.

The motion was seconded by W. Peterson and carried. (5-0)

**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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by September 29, 2010 subject to extension or waiver.

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

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 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, 6 paper copies, 1 reduced copy). Remove "ROW" note.
2. Payment of decision recording fee.
3. Final plans will not be recorded until transferring deed has been approved by the Town and is also signed and ready for recording.
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. (5-0)

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – DONALD GRANT:** Request for subdivision approval to subdivide one lot into two. Property is located at 245 Hoadley Road, Tax Lot 215-021 in the "R" Zone. PB # 1810P.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – DONALD GRANT AND RONALD BLACKKEY:** Request for Boundary Line Adjustment approval to transfer .04 acres from tax lot 215-021 to tax lot 215-020. Properties are located at 245 & 237 Hoadley Road, in the "R" Zone. PB #1710P.

Mr. Donald Grant presented the applications.

Mr. Grant stated that a few years ago he went to see C. Daigle looking for a map of his property and the Town only had the tax map. They did not have a survey. He then went and had the property surveyed and he decided to take out 5.06 acres at the end of the property by the Tioga River. The plan is to sell that lot in the future. The lot is designed to have a septic and well.

**BOARD'S ACTION – DONALD GRANT AND RONALD BLACKKEY:**

**MOTION:** C. Long moved that the subdivision and boundary line adjustment applications 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 in a timely manner to complete review and act on the applications. The Board shall act on these proposals by Sept 29, 2010 subject to extension or waiver.

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

The chairman opened the public hearing.

Mr. Grant explained that the second existing woods road/driveway will be blocked off and a new driveway with an apron will be put in. W. Peterson wanted to make sure that the driveway on the plan is where Mr. Grant wants it. Mr. Grant stated that it is where he wants it. C. Daigle stated in order to get the correct sight distance the driveway has to be in that location.

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 applications for both the Boundary Line Adjustment and the Subdivision be granted Final, conditional approval as they appear 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. Final plans will not be recorded until transferring deed has been approved by the Town and is also signed and ready for recording.
2. Submission of final plans (2 mylars, 6 paper copies, 1 reduced paper copy). Submit one copy of final plan for review prior to submitting additional copies. Add/identify/include note on plan:
  - a. All pins/bounds to be set and so certified on final plan.
  - b. Driveway to new lot to have paved apron at time of development.
  - c. Existing and proposed size of Blackey lot.
  - d. Second driveway to new lot to be closed off. Access restricted to proposed new driveway.
3. Submit draft of BLA deed for approval.
4. Payment of decision recording fee.
5. Permanently close off second driveway on new lot (owner's choice of a method to be approved by Town).
6. Compliance hearing shall be held by Board as necessary.

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

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

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

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – HENRY DIONNE:** Request for Site Plan approval to expand commercial garage, expand boat storage area, add storage of RVs and install Fence, sell/repair golf carts, snowmobiles, ATVs, motorcycles, tractors, small engine equipment/vehicles, sell firewood, wood pellets, picnic tables, lawn furniture and relocate temporary shelter. Property is located on 730 Laconia Road, Tax Lot 230-041 in the “C” Zone. PB #2010P.

Mr. Henry Dionne presented the application.

Mr. Dionne thanked the Board for their continuing on going help and would like to bring this to a conclusion. He is not here to create conflict but to get this issue resolved. He does a good business which is evident by the repeat business he gets. The process has been stressful and is affecting his health. He hopes this is the last monthly meeting for his building.

Mr. Dionne addressed the staff report. He explained that the lot in question is not currently occupied by the abutter. Mr. Berwick had to have his belongings off the property by July 5<sup>th</sup>, which he did.

There is no stormwater management plan because he is not disturbing the banking of the stream. Only brush and small trees will be removed. Some of those he will transplant for a visual screen next to the fence.

Mr. Dionne stated that to cure the encroachment there has to be a fair exchange of land comparable in size and value and Mr. Berwick has to agree to this. He is willing to do the exchange but Mr. Berwick’s backyard is swamp land and that is not comparable to prime footage. He also has offered Mr. Berwick enough land to make his garage on his own property. He discussed this with C. Daigle and she agreed that this would meet his commitment to the Board. Mr. Berwick will not agree to this and has ceased any conversation to come to a resolution.

Mr. Dionne stated that in April 2009 the Board requested that he plant trees 6’ apart at least 4’ high for 80’. He planted 90’ of trees that were closer together than the required 6’. The trees were to be 6’ tall in three years and they are already between 5’-7’ tall after only one year. He has learned how to prune them to make them denser. The pruning has to be done in the spring. He doesn’t intend on replacing the trees with a fence but replacing the chain link fence with a stockade fence. This should make the fence issue go away.

He explained that most of the small engine vehicles such as snowmobiles, tractors, ATV’s or golf carts that will be repaired will be in front of the house or garage. The ones for sale will be parked on

the asphalt of the old driveway on the south side of the existing driveway to the left of the fence.

Mr. Dionne explained that his hours of operation during the summer months will be Monday thru Saturday 8:00 AM to 6:00 PM and on Sunday 9:00 AM to noon. From mid September to December he will be open everyday 9:00 AM to 8:00 PM. During the winter it will be Monday to Saturday 9:00 AM to 6 PM.

Mr. Dionne asked the Board to show him the Town Ordinance that states that advertising one's company directly on one's work is considered a free standing sign. In 2008/2009 he had been told that a spray painted shrink wrapped boat was a free standing sign but that was when that boat was on blocks. That boat has been moved. During the haul out season he places boats at various location in the Lakes Region and as far south as Plaistow to advertise his business. They are on trailers with plates so they are transportable over the road.

He stated that he does not have anyone working for him and does not plan to hire anyone at this time. He could hire someone in the future and he will address the bathroom issue at that time. His septic is designed for 450 gallons a day and with only two people living in his home he uses between 75 and 100 gallons a day.

Mr. Dionne addressed the encroachment issues by stating that they would be cured if Mr. Berwick agrees to a comparable land swap. The second driveway would be closed off. He did receive a letter from DOT concerning the use of the driveway. The driveway would be gated but he would have a knock box installed to allow the Fire Department access to his property and the ability to fight a fire from three directions. He stated that Mr. Berwick will have to move his electrical box onto his own property. He is afraid of being electrocuted from it.

He addressed the issue of the stockade fence stating he doesn't know why he needs to submit the standards for the fence because R. Ball looked at the fencing and okayed the 6' stockade fence from Home Depot.

He does not need a stormwater management plan because he has not done anything to change the water flow in the front area since he purchased the land in 1996. If he makes any changes it will not affect the water flow because the land is flat.

Mr. Dionne stated that he never said that he would have a maximum of twenty-three boats. He expected that it would take two years to get that many. He expected to increase the number he had in 2008 by ten. He actually had twenty-four boats in the back for the 2009/2010 season and still had room for more. He had twenty-three out front with room for more. The total number of boats stored depends on the size and type of boat. A pontoon boat takes more room than a 16' boat.

He addressed the date by which the improvements would be completed stating that it depends on

the boat storage for the 2010/2011 season. If the room is needed the work would be done by October 2010 so he can store boats from October to June.

Mr. Dionne stated that the goal of tonight's application is to put up a building that he has been trying to do for the last four meetings. He has done everything the Board has asked for. He wants to have the building approved before he goes into anything else. He has a letter from R. Ball stating that he has looked at fence and it states that he approved it. R. Ball stated that Mr. Dionne has since talked about putting lattice on top of the fence. Mr. Dionne stated that he will put up a stockade fence the same as everyone else but may use lattice also. W. Peterson wanted to clarify that there will be no lattice on top. C. Daigle wanted to know if the trees will be removed as noted on the plan. Mr. Dionne stated that note should not be on the plan. He will not remove the screening trees and he may plant additional ones.

J. Pike stated that the Planning Board does anything they can to encourage businesses. The Board has bent over backwards working with Mr. Dionne but they can't continue with this site plan until the boundary line issue is corrected. Mr. Dionne stated that he can't make Mr. Berwick do anything. J. Pike stated that it is a civil issue between him and Mr. Berwick and not with the town. Mr. Dionne stated that Mr. Berwick put his building up incorrectly in the beginning. He can't make him sign the boundary line adjustment. He has talked to an attorney about the boundary line adjustment. J. Pike explained that the boundary line adjustment has to be corrected before moving forward. The note about the removal of the trees on plans also has to be corrected. Until he proves that the boundary lines issue is corrected and recorded in the Registry of Deeds the Board cannot go forward with this application. He stated that both the Planning Board and Mr. Dionne have tried. There is a fixable solution and the situation has to be fixed before they can move on. P. Harris agreed that the boundary line problem has to be corrected before they can move forward.

W. Peterson wanted to know if the pins were there when he bought the property. Mr. Dionne stated that he was told that the property line went 25' past the telephone pole but there was no pin there when he bought the property. Mr. Berwick had cut some trees and he went by the boundary markers used by the State. Every year the State surveyors came to him and asked what he could tell them about Mr. Berwick's garage. He would explain that when he steps out of the garage he would be on his property. His surveyor explained to him that when he was standing in the garage he was standing on his own property. Four inches of the garage in front and 4' in back were on his property.

Mr. Dionne acknowledged that at the original meeting he said he would do the boundary line adjustment by June 2009 but Mr. Berwick didn't have the survey done until the late fall of 2009 and he couldn't do the boundary line adjustment until he verified it. J. Pike reiterated the fact that the Board understands the problem but the boundary line adjustment has to be done first. Mr. Dionne stated that he would do the land swap and give Mr. Berwick an easement but Mr. Berwick has not agreed to do it.

W. Peterson stated that Mr. Dionne is already talking about moving into the area that is in contention. Mr. Dionne stated that he would put up a fence on his own property that would give Mr.

Berwick enough room to get to that area. He has been told by an attorney that if Mr. Berwick uses the property for a number of years then he can get it through adverse possession. Mr. Dionne wanted to know how the Board can hold him up from doing business because Mr. Berwick and he cannot come to an agreement. He has spent \$2,677 already for this application and \$1,000 for lawyer's fee. He asked the Board to tell him what to do if Mr. Berwick will not sign the agreement. P. Harris stated that the lawyers need to resolve the issue the Board cannot get involved. Mr. Dionne stated that it is not fair to him because Mr. Berwick will not agree to the exchange. P. Harris explained that his site plan is not in compliance because the boundary issue has not been resolved. Mr. Dionne explained that everything else the Board has asked for has been done except boundary line issue.

W. Peterson stated that the way Mr. Dionne has drawn the boundary line adjustment line Mr. Berwick cannot get into his garage. Mr. Dionne showed the Board pictures of what he is going to do. He explained that he is not going to swap dryland for wetlands that he cannot use to store his boats on. He stated that he did not know the land was wetlands until 2010.

#### **BOARD ACTION HENRY DIONNE:**

**MOTION:** J. Pike stated that due to the location of the property line in question the application is incomplete until the boundary line adjustment is complete or the encroachment issue resolved. A stormwater management plan is also needed.

J. Pike stated that because Mr. Dionne is taking down trees in the wetland buffer he needs a stormwater management plan. C. Daigle explained that he is disturbing the area up to the banking and may not be disturbing the banking but they have to make sure the water doesn't wash out the banking. R. Ball stated the plan needs to show what to do so there is no disturbance. There is no disagreement on what is being done but because they are working within the wetland setback they need a plan.

Mr. Dionne wanted to know if the Board could approve the building only because this is the fourth meeting he has been through. C. Daigle stated that it is difficult because everything is all on one plan. Mr. Dionne stated his goal is to get the building up but he cannot make Mr. Berwick do anything. He doesn't want to fight but he cannot talk to Mr. Berwick he has to talk to his lawyer. P. Harris explained that the problem is that the site plan is a legal document and everything has to be shown on the plan. It would benefit everyone to resolve the boundary line issue. The Planning Board doesn't have the power to resolve the boundary line issue. The Planning Board has worked to get his business going. The stormwater management plan is a normal request because of the impact on the wetlands. J. Pike stated that they are not stopping Mr. Dionne he just has to fix the outstanding issues. Mr. Dionne wanted to clarify that the Board is not going to approve anything tonight. J. Pike stated that the issues have to be resolved first. He suggested that Mr. Dionne's surveyor contact the Land Use office to see what needs to be done. He also suggested that Mr. Dionne have the surveyor represent him at the meeting so that if there is an error on the plan he can address it at the meeting. Mr. Dionne stated that there is nothing he can do unless Mr. Berwick and his lawyer work it out because he is not taking Mr. Berwick to court. J.

Pike stated that there are legal issues the Board cannot answer. There may be underlying legal issues concerning Mr. Berwick's right to use the driveway. Mr. Dionne stated that he has talked to different lawyers and there is only one way to resolve this and that is to take it to court and he is absolutely not taking Mr. Berwick to court. There have been no problems with the neighbors and he doesn't want to start one now.

Mr. Dionne wanted to know why he can't have his building. He has done everything possible to get the building up. C. Daigle explained that the building is tied to the expansion of use. Mr. Dionne explained that he tied it together because that is what he was told to do. C. Daigle asked the Board if Mr. Dionne comes back to the Board with the building expansion only would they be willing to approve just the building. J. Pike stated that from day one the boundary line issue has been the problem. What happens in the future if Mr. Berwick sells his property or a different surveyor finds the property lines to be in a different location? The issue needs to be resolved before the Board can move on. He explained that it is not about how hard Mr. Dionne has worked but about the legal issue.

Mr. Dionne wanted to know if the Board has read the Bill of Rights and the Declaration of Independence because he feels that they are treading on his civil rights.

C. Daigle stated that Mr. Dionne agreed to do the boundary line adjustment and he can still do it. He had showed the Board an equal swap with the land up front and land out back. Mr. Dionne explained that he discussed an equal land swap but swamp land for dry land is not equal. R. Ball stated that you can do the swap but based on economic you are choosing not to. P. Harris stated that when you protect one person's rights it affects another person's rights. R. Ball stated that Mr. Dionne knew when the garage was being built it was on his property and did nothing to stop it. He didn't protect his property. He could have filed an injunction. Mr. Dionne stated that when he thought it was on his property he talked to the Code Enforcement Officer who told him there was no evidence it was not on Mr. Berwick's property. Mr. Dionne said he did not know the property line on that side so he couldn't tell if it was on his property. R. Ball stated that he could have hired a surveyor.

Mr. Dionne stated that this has been going on for four months and it has nothing to do with that building. C Daigle wanted to clarify that if Mr. Dionne came back with just the building would the Board approve it? J. Pike said that he would not. Mr. Dionne said that he doesn't see why having the building affects the other side of the property. He just wants to have a roof over him so he can work. The next plan will be correct. J. Pike stated that when he started the business Mr. Dionne knew the building was on his property. He gets one tax bill for the whole land. Mr. Dionne stated that he has a legal right to have Mr. Berwick pay part of taxes and insurance for the part of his property he is using. It is hurting him not having a building to work in.

W. Peterson wanted to know what the boat business has to do with selling wood. Mr. Dionne stated that he buys ten cords of wood a year, cuts and splits it then sells it on the internet. He has been doing this for years and that is why it is on the plan. He has a customer of his that wants to put a 40' box

on his property to sell pellets. There is no investment on his part but he is not sure if he will be doing it but put it on the plan in case he decides to do it.

Mr. Dionne wanted to know if they could just do the building and table the rest. W. Peterson stated that the motion on the floor is that the application is incomplete.

J. Pike stated that if Mr. Dionne is thinking about selling pellets and having a 40' then the box needs to be on the plan. He also wants to include additional parking because of the increase in traffic entering and leaving the site.

C. Daigle stated that they need facilities for interns and part-time workers. Mr. Dionne stated that he was told he didn't need facilities for a part-time worker. C. Daigle clarified that he told her it was a contract employee not a part-time employee. R. Ball stated that when he was on site there was also an intern working on the property. Mr. Dionne stated that he doesn't work there anymore and that will not happen again. C. Daigle explained that the problem is there is no such thing as a business license so what they get the permit for is what is permitted. Mr. Dionne has added things on his plan and then changed his mind. Mrs. Dionne wanted to know what the chances of getting approved are if they cancel everything except the building. R. Ball stated that they do not need a pre and post drainage analysis but a plan on what he is going to cut and what he is going to put down on the strip by the wetlands. A surveyor or engineer can identify that on the plan. Mr. Dionne stated that R. Ball has been to the site and wanted to know if R. Ball came back to the site and discussed it with him if that would suffice for the Board. R. Ball stated that he cannot design the plan. He is not qualified. J. Pike stated that R. Ball can be the inspector but not the fabricator of it. He suggested that when the surveyor/engineer does the plan they contact C. Daigle or R. Ball to verify what they need. Mr. Dionne stated that he has had to invest a lot of money trying to get this project through and he is losing money by not having the building. W. Peterson stated that he understands the cost of the project but it is the cost of doing business. J. Pike stated that stormwater management plan acceptable to staff is required. He brought the motion back to the Board for further action.

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 is incomplete for the following reasons:

1. Legal resolution of encroachment issue (e.g. boundary line adjustment, court order).
2. Plan to manage stormwater in expansion area.
3. Include on plan all proposed activities.

The motion was seconded by W. Peterson and carried. (5-0)

C. Daigle stated that with an incomplete application the abutters will have to be renoticed. She

suggested that Mr. Dionne give his surveyor a copy of the staff report.

R Ball addressed Mr. Dionne's concern about what constitutes a sign. He read the definition of a sign. "Any panel, surface or object recognizable as an advertising or directional device." Boats registered or not can't be used as signage.

C. Daigle wanted to know if Mr. Dionne would be back by September 29<sup>th</sup>. Mr. Dionne stated that he is not sure he can get it done by then.

Mr. Dionne wanted to know if the boundary line issue isn't taken care of is the Board going stop him from doing anything on property. C. Daigle stated that the original site plan is still good.

P. Harris explained that other people have been before the Board and it has cost them serious money because of legal issues that were not addressed. They are not out to give him a hard time but he has to meet certain requirements.

### **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 June 28, 2010, meeting as submitted. (3-2-0). P Harris and J Pike abstained.

### **STAFF REPORT:**

#### **WAYNE DROUIN TAX LOT 111-047:**

The chairman signed the Drouin's Fox Hill Road subdivision plan.

#### **SHOOTERS TAVERN TAX LOT 101-007:**

The chairman signed the Shooters Tavern site plan.

C. Daigle explained that she has received a request from Shooters to extend the hours of operation. The business hours would be Sunday thru Tuesday 11:00 AM to 11PM and Wednesday thru Saturday 11:00 AM to 1:00 AM. Entertainment hours are 11:00 AM to 12:30 AM Wednesday thru Sunday with up to six entertainers.

C. Long stated that at the last meeting they discussed the issues law enforcement was having there and she wanted to know if those issues had been worked out. C. Daigle stated not to her knowledge. She explained that they have also been issued three or four cease and desist orders concerning the building permit and Fire Department issues.

It was the consensus of the Board to have Shooters come back in to address these issues before making any changes. They will also invite the Fire and Police Department to that meeting to address any issues they may have.

**GARDEN OASIS TAX LOT 101-028:**

C. Daigle stated that Garden Oasis would like to have live entertainment on the outside patio during the summer from July to September. The band would play background music and would consist of no more than three people and the hours of entertainment would be once or twice a week Friday, Saturday or Sunday 6:00- 9:00 P.M. She has contacted the Fire Department and they are requiring a signal device and emergency lighting on the patio.

C. Daigle suggested that if the Board considers this a minor change that they condition it on having the As-Built Plans. C. Long stated that this is in the commercial zone but wanted to know how close the nearest residence is. C. Daigle stated that it is across the street. There have been no complaints to date.

**MOTION:** W. Peterson moved to accept the request as a minor change with the condition that an As-Built be submitted.

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

**CUPPLES AUTOMOTIVE TAX LOT 101-016:**

C. Daigle explained that Cupples Automotive has purchased the property across the street from the car lot and wants to use part of that building (the unit to the left) for auto reconditioning repairs and sales. DOT did use the building as a garage and to maintain their vehicles. Prior to that Freedom Honda used it for sales and service. J. Pike wanted to know if they will be using it as an inspection station. C. Daigle stated that they asked for motor vehicle sales and reconditioning and repairs. She wanted to know if they need a site plan or can they do it as a Change of Tenant. She explained that there is no site plan because it was rezoning.

It was the consensus of the Board that this is a Change of Tenant and does not need site plan review.

**FERNCREST TAX LOT 110-006:**

C. Daigle explained that she received a call wanting to verify a resort rental that the caller found on Craig's List. She stated that listing was for a three bedroom retreat near lake that sleeps 6-12 people situated on 11 acres. The women forwarded her the correspondence she had with Mrs. Bascom. After checking the listing she verified that it was the Ferncrest Assisted Living Facility. She forwarded the information onto the State Licensing Bureau who verified that you cannot rent out apartments for vacations in an Assisted Living Facility. The two combined uses are not allowed. She has since heard that the property may go to foreclosure and is concerned about the property changing hands thinking all licenses are in place.

The Board discussed the fact that they have to protect the people who can't protect themselves. They discussed starting the procedure to revoke Ferncrest's site plan approval. C. Daigle explained that a formal notice has to be sent to the owners, lien holders and abutters who have thirty days to ask for a public hearing.

It was the consensus of the Board to start the revocation process in order to protect the people who cannot protect themselves.

C. Daigle state that at this time she believes there is staff living in the staff's quarters upstairs but no one in the downstairs apartment. There are no assisted living clients on site. Mrs. Bascom did get the license for an Assisted Living Facility but C. Daigle stated that she doesn't think she has a valid State license now.

**DAN DUNN TAX LOT 201-005:**

C. Daigle stated that Mr. Dan Dunn, Old State Road has posted his escrow. He now needs site plan reapproval or extension and will be coming back to the Board for that.

**GISTIS TAX LOT 215-007:**

C. Daigle explained that next month Gistis is coming back to renew their subdivision approval. There are still some issues with the road review.

**SMITH TAX LOTS 121-019 & 121-020:**

C. Daigle that they are in the process of selling the Smith property on Berry Road and they are coming in for a Boundary Line Adjustment to enlarge a lot for the son.

**MARK MOONEY TAX LOT 204-028:**

C. Daigle explained that Mr. Mooney is completing the driveway on Province Road. The State requires that he close the other driveway.

**PROPOSED AMENDMENTS:**

The Board discussed electronic signs. The concerns are the timing and speed of the message changing and the flashing and brightness of the signs.

Living space in detached buildings is another issue that needs addressing. In recent months there has been an increasing number of additional living spaces appearing in garages and detached buildings.

**MASTER PLAN:**

A copy of the Planning Board's 2010 Master Plan review will be attached to these minutes.

**ADJOURNMENT:**

**MOTION:** On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 9:18 p.m. (5-0)

Respectfully submitted,

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Elaine M Murphy  
Administrative Assistant

Amended 8/23/10

## Vision

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The Town of Belmont brought together citizens from all walks of life with a common goal to develop a guiding document to plan for its future while protecting its past. The Town recognizes its potential for growth and is committed to the protection of its unique natural resources, history and recreational opportunities. This plan will enhance the Town's ability to direct growth to benefit the community while balancing the needs of present and future generations.

Belmont will continue to grow with or without the community's guidance and active involvement in the administration of the Town and School District. This Master Plan advises those in roles of leadership and responsibility to administer the goals that will benefit the residents and advance the following visions:

- Guide the growth of residential and non-residential development in order to provide adequate facilities for all residents while minimizing the impacts on our natural resources and providing long term land use planning
- Preserve and protect the rural quality of life including natural, agricultural and historic features
- Develop the Village Area into a unique and attractive combination of residential, commercial, historical and recreational uses to serve as a focal point for the Town
- Clearly identify, catalog, protect and preserve the natural, man-made and historical resources throughout the Town

- Advocate the adequacy, safety and aesthetic appeal of existing and planned housing, community facilities and transportation options to address the needs of all citizens
- Encourage economic development that is compatible with the goals of rural character and natural resource preservation
- Maintain, enhance, expand and improve accessibility to the wide range of recreational choices in our community
- Encourage and enlist the participation of Belmont citizens in community activities and local government involving youth, newcomers and seniors

*Attached is the Planning Board's 2010 review*

*The following Goals enhance the Town's ability to manage growth while balancing the needs of present and future generations.*

## Community Facilities

1. *Evaluate and balance over time the financial impact of community facilities and services.*  
**Annual Capital Improvements Program, Capital Reserve Funds, Impact Fee Study**
2. *Provide for expanded services and facilities to meet the demand of growth within the Community.*  
**New Municipal well, Underwood Engineers Inc (UEI) Road Construction Inventory, Expansion of Recreation Dept/facilities, 100% of the Land Use Change Tax when property is developed out of Current use Assessment is dedicated to purchase and maintenance of conservation lands.**
3. *Develop regulations to mitigate the impact of new development on existing services and community facilities.*
4. *Provide an education for every child from pre-school through grade 12 that enables each to become a productive and involved citizen.*  
**School successes, Conservation Commission (ConCom) scholarship**
5. *Assure adequate health care for all citizens.*  
**Belmont Mill programs and service providers. Added additional physician in August 2010**

## Conservation & Preservation of Natural Resources

1. *Incorporate annual studies and mapping of wildlife habitat and travel corridors throughout the town.*  
**Natural Resource Inventory, Wetlands Study**
2. *Preserve the availability and quality of Belmont's recreational opportunities through increased conservation planning and initiatives.*  
**Andrew Sanborn Farm (AS Farm), Meyers conservation parcel, Tioga River Wildlife Conservation Area, Jeff Marden Town Forest Universally Accessible Trail, open space lots from subdivisions (Town & private ownerships)**
3. *Preserve natural features of Belmont and ensure that they are not adversely affected by future development.*
4. *Encourage conservation through public/landowners education.*  
**Current Land Use Workshop, Land Conservation Workshop, ConCom Newsletter**
5. *Protect, conserve and preserve the remote portions of Belmont from excessive development pressures and/or activities that would be detrimental to the unique environmental characteristics*

*and qualities of these areas and that would detract from the peaceful enjoyment and tranquility they afford local residents.*

*AS Farm, Meyers conservation parcel, Eagle Scout Projects*

6. *Identify and consider ordinances or other mechanisms for protecting key scenic community vistas, views and viewsheds.*
7. *Establish proactive administrative goals to research, monitor and apply for established, available funding opportunities (state, federal and foundation sources).*  
*Town Forest (WHIP funding), Tioga River Wildlife Conservation Area (ARM Grant application)*
8. *Seek guidance from the Center for Land Conservation Assistance on benefits of establishing and funding a dedicated Belmont Conservation Community Trust Fund or partnering with other organizations.*  
*5 Rivers Conservation Trust*
9. *Identify historic buildings and sites and areas of special importance in Belmont.*  
*Rte 140 bypass Factory Village report, Heritage Commission, Barn Preservation Easements on 3 properties*
10. *Protect farmland resources and heritage as an integral part of Town rural character.*  
*ConCom agricultural initiate, Heritage Commission*

## Construction Materials

1. *Determine the present state of extraction operations in the Town.*  
*Comprehensive excavation survey completed.*
2. *Ensure appropriate closure of obsolete or depleted sites.*  
*All closed/abandoned pits naturally reclaimed and/or under reclamation (Brown Hill, Province Rd, 2 Persons pits all closed/closing)*
3. *Ensure that future construction material extraction operations are compatible with planned land uses, applicable regulations, community values, and transportation infrastructure.*  
*Complete restructure of Earth Excavation Regulations, continuing to work w/existing excavators towards compliance.*

## Housing

1. *To provide guiding principles and strategies for managing present and future housing needs. Create a range of housing opportunities and choices.*  
*Better affordability options (Maple Hill Acres-Province Rd), Applied Economic Research affordability analyses (2).*
2. *Establish architectural housing design standards in accordance with the characteristics of the various neighborhood areas of Belmont.*  
*Recommendation-develop better architectural and landscaping standards to address higher value housing goals and address Charrette Vision.*
3. *Increase revenues to offset costs associated with Land Use Department services.*

Opportunities for Land Use revenues are statutorily limited, however, reducing costs to the community from Land Use development and infrastructure projects should be considered a “revenue” against the overall cost of the Land Use Department: escrows to avoid costs to the community, 3<sup>rd</sup> party pymts for independent reviews, State participation in Concord Street intersection/island and Rte 140/106 sidewalks and (future) Brown Hill Road improvements, 3<sup>rd</sup> party payment of economic development and transportation reports, avoiding unnecessary legal costs, successful commercial projects, reducing road maintenance costs through Road Inventory project, mapping projects, private \$ investments in traffic signal at Plummer/Laconia Rd, sidewalks, and fire protection facilities.

## Land Use

1. *Preserve and protect the rural qualities*  
Conservation Land purchases
2. *Protect our agricultural land because it provides us with the very essence of rural character, open space, woodlots, scenic vistas, wildlife habitat and the ability to maintain some self-sufficiency to feed ourselves. All of this requires a minimal demand on community resources, but is vital to our economy.*
  3. *Preserve and protect our water resources*  
Aquifer & Groundwater Protection projects and Ordinance. Biosolids prohibition. Earth Excavation, Subdivision and Site Plan Amendments. Town constructed an fully enclosed salt storage shed for road salt., grant for source water protection fencing, more being sought in 2010
  4. *Preserve and protect our natural resources*  
Conservation Land purchases
5. *Guide residential development to meet the overall housing needs of various income groups, while retaining open space to preserve the rural character.*  
Revised open space regulations. Of the 10 subdivisions of 3 lots or greater approved/pending since 2002, seven have been open space subdivisions preserving at least 50% of the total acreage.
  6. *Guide and support non-residential development.*  
During 2002 to 2009 inclusive, 84 commercial/industrial site plans have been approved. Commercial/industrial building permits issued during that time total an estimated value of \$22,037,016 (32% of current total commercial/industrial building value).
7. *Protect transportation corridors from encroachment of structures, congestion and blight*  
ZBA has consistently considered highway needs when reviewing frontage setback relief requests. Of the 10 subdivisions of 3 lots or greater approved/pending since 2002, eight have 4’ pedestrian sidewalks. Town adopted a Snow Removal and Traffic Ordinance.
8. *Recommend land use chapter be reviewed annually to keep pace with development.*

## Recreation

1. *Acknowledge the need to create new recreational opportunities for all ages while maintaining*

*existing recreation throughout parts of Town.*

*All town conservation lands are open to passive recreation & hunting.*

2. *Determine the need for, and the responsibilities of, a Parks and Recreation Department.*  
Town has expanded Recreation Department and facilities through the use of the former Winnisquam Fire Department and Belmont Mill
3. *Establish, create, expand, and map a series of loop trails to link Town lands, scenic and wildlife areas, restaurants, and sleeping facilities throughout the Town.*  
Work continues towards BRATT trail. ConCom acquisition of Tioga River properties. Town Forest trail projects.
4. *Enhance and create recreational opportunities for adults and families through the use of the Shaker Regional School District Facilities.*  
Recreation Department has been utilizing facilities when available.

## Transportation

1. *Improve, maintain, and inventory existing roads, streets, bridges, and culverts.*  
Work continues on Road Inventory. To date 9 roads have been removed from the public highway ownership/maintenance list, reducing the overall cost of public highway maintenance and diverting those funds to legitimate public highways. In 2006 UEI completed a complete road survey and developed a 20-year maintenance/reconstruction plan. UEI completed lane expansion survey/design for Brown Hill Rd/106. All new roads by subdivision are undergoing plan review prior to approval and an observation process to assure quality construction.
2. *Develop a funding plan.*  
In 2006 UEI completed a complete road survey and developed a 20-year maintenance/reconstruction plan. Annual appropriations to Capital Reserve maintained at \$650 - \$700 k level
3. *Maintain, enhance and manage a transportation infrastructure that facilitates, encourages and supports public transit and non-motorized travel to reduce energy consumption, preserve air quality, and reduce pollution.*  
In 2004 Belmont created the Belmont Ride Share which has seen steady, increasing use since that time. Sidewalks were constructed out to the Elementary School and are under design to the High School.
4. *Promote use of technology and tools available now and in the future to provide and ensure safe mobility.*
5. *Participate in transportation discussions with residents, Town, County, Regional, State, and Federal officials.*  
Cooperation with NH DOT on Concord Road island, Rte 140/106 sidewalks, Safe Routes to School funding, Brown Hill Road intersection. Increased traffic signals on DW Highway at Plummer/106 and at the Belknap Mall.
6. *Provide new road construction guidelines using access management principals and flexible road standards.*

- 2009 Road construction standards revised in Subdivision Regulations. Flexible specifications used on Cotton Hill Road reconstruction.
7. *Coordinate transportation planning with conservation and preservation goals.*  
Successful open space development which reduces road lengths and preserves open space.
  8. *Establish a gateway enhancement initiative to improve the image of Belmont.*  
Installation of island at Concord Street/106 intersection. Rideshare community info sign. Upcoming Village Revitalization initiative.

## Utilities and Public Services

### Electric Utility

1. *Assure that the needs of the users are being met and the changes to the Public Utility laws are not negatively impacting the residents and businesses of the Town of Belmont.*  
Successful scenic road utility line trimming projects.
2. *Assure that to the greatest possible extent all utility lines are installed underground in accordance with the ordinances of the Town.*  
Planning Board continues to require underground utility installation on subdivisions, info continuously being sought from PSNH for relocating underground utilities along Main Street

### Water Utility

1. *In cooperation with the Fire Department, conduct a comprehensive study of water demand for firefighting needs.*  
Cisterns (where municipal water is not available) and/or sprinklers are required as applicable for new subdivisions.
2. *Address the adequacy of water quality. Are the minimum NH DES standards adequate or should a higher standard be set? Continue to monitor grant opportunities to protect water supply/quality, annually submit Consumer Confidence Reports to users*
3. *Plan ahead for the expansion of the water utility outside of the Village area. This will be on a pay as you go basis with payment made by the users from the new areas and successful applications for grant monies. Successful grant application for new water lines and services in Pleasant Valley -*
4. *Work with the State of New Hampshire and the local towns sharing the same aquifer to insure its future purity. This may require the elimination of certain residential, commercial or industrial expansion in the areas of the aquifer. This study commenced in mid-2002 and the results should be available in 2003.*  
Aquifer & Groundwater Protection projects and Ordinance. Biosolids prohibition. Earth Excavation, Subdivision and Site Plan Regulations Amendments.

### Sewer Utility

1. *Extend as required the sewer mains to assure that the quality of water in the lakes and the aquifer are not compromised.*  
Planning Board requires as available.

2. *Require that upon any extension of the sewer line all nearby residents and business be required to hook-up.*  
**Sewer Ordinance updated.**
3. *Continue the policy of submitting grant applications for the expansion of the system. This will help keep the cost to the user at the lowest possible level. Future needs of the department will warrant rate increases; WRBP capital costs continue to rise, Town will need to anticipate these*

#### **Gas Supply (Natural & Bottled)**

1. *Coordinate the expansion of this utility with the goals of the Town to insure that natural gas will be where it will be needed to best benefit the Town. Expansion of this utility is directly related to the expansion of the Town.*  
**Recent upgrades on Rte 3 included replacement/extension of natural gas utility.**
2. *Assure that all expansion of the bottled gas utility and usage is in accordance with the applicable building codes and safety measures.*

#### **Telecommunication Utility**

1. *Since this will be the utility that will most likely have the greatest change in the near future, special attention must be paid to assure that the Town's ordinances are kept current with these changes.*  
**The Ordinance as applied to the Verizon Tower on Laconia Road was appropriate.**
2. *The placement of telecommunication/cellular towers will be one of the most sensitive issues to face the Town in the near future. The placement must be unobtrusive yet technically located to minimize the number of towers. Towers should first be located on public property and out of the residential/rural areas where possible. Co-locating users will help the town minimize the total number of towers, which must be a major goal of the Town. Locating tower on the sides of Town buildings, existing towers and water tanks will also aid in reaching this goal.*  
**The Verizon tower on Laconia Road meets the technological needs of the provider, in unobtrusive and requires co-location.**
3. *With the expansion of the cellular type of communication, there will hopefully be a reduction in the overhead wires and applicable telephone poles. This will be a noticeable improvement in the visual impact on the community.*

#### **Cable and Satellite Communication Utility**

1. *This area will experience the greatest growth in the next decade. Included is the Internet, which is fast becoming the "Way" to communicate, research and spend leisure time. Therefore, review of this utility will also require overview to assure the proper handling of the services to all the residents of the Town. FCC has initiated its National Broadband plan and better access in rural areas will be forthcoming.*

