

## PLANNING BOARD

Monday, May 24, 2010  
Belmont Corner Meeting House  
Belmont, New Hampshire

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

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

### **INFORMAL DISCUSSION – HENRY DIONNE TAX LOT 230-041:**

Mr. Henry Dionne explained that he was here tonight to state some facts. In the minutes of 4/27/09 he received site plan approval with conditions. At that meeting J. Pike stated that the abutter's garage was on Mr. Dionne's property. Mr. Dionne explained that at that time he planned on doing a land swap with Mr. Berwick and planned to have that complete by June 15, 2009. The land swap is nul and void because he hasn't received any paperwork from Mr. Berwick and the deadline has passed. He now will either buy Mr. Berwick's property or do a boundary line adjustment. He has contacted his insurance company to find out what the cost of doing a land swap will have on his insurance. Because of the cost he probably won't do the land swap.

Mr. Dionne referred to the conditions of his approval. The sight distance clearing required by NH DOT has been met. The dumpster has been installed. He installed white pine trees as a visual buffer before he used the front of his lot for storage. He has relocated the sheds and followed the inspection schedule. He obtained building permits for the unpermitted shed and three membrane structures. The conditions were wrong because he has only one shed not two so he could only move one shed. Mr. Steve Dalton, Code Enforcement Officer, has walked the property and noted that all three membrane structures are in the correct area. He did have to move one over 3" to meet the setbacks. He put the trees out front before he used the front for storage. He completed the conditions of the approval in November 2009 and called R. Ball for a final inspection. The landscaping is maintained and looks better than it ever has.

Mr. Dionne stated that he then received a letter from the Planning Board stating that the sight distance shall be maintained. He explained that the State's requirement for sight distance is 400' and that distance has been measured numerous times.

The screening has been done. The approval required him to put up 80' of screening and he put up 90'. The trees are 3.5' apart which is closer than required. He has met all required traffic control and fire and life safety codes. He will put up new signage and will write to Land Use staff regarding the signage. He has done everything that was required of him. The landscaping is maintained and is better than ever. Lighting is shielded from abutters and there have been no complaints about lighting. In the future he will put lights on the signs. He has the permit for the sign. There have been no changes to the plans.

Mr. Dionne explained that within the last couple of months he has applied for a building permit. He has done everything the approval required. The only discrepancy is the trees along the abutter's property line because he can't plant trees on top of trees. If one tree dies he will replace it. He met the November deadline and met with R. Ball to do the inspection. R. Ball wrote him a letter stating that he has substantially completed the conditions with two exceptions. The chain link fence was one of the issues because it was missing the top rail. R. Ball stated that he would give him until spring to complete the fence. Mr. Dionne stated that he is going to install a stockade fence instead. He never knew he needed a top rail for the chain link fence. He has contacted fence companies and it would cost \$4,060, to put the top rail on. He was never told he needed a top rail on the fence and he is not going to pay the additional cost. He has asked staff to show him one person that had to put the top rail on. He has seen other fences in town without the top rail. C. Daigle stated that those people are not commercial businesses and didn't have to go through site plan approval. Mr. Dionne stated that R. Ball has suggested he put cable up because his concern is that the fence will fall down. He told R. Ball that if the fence falls down he would replace the fence within four hours or pay a \$1,000 fine, unless it was at night. Mr. Dionne showed the Board the cable he is willing to put on the top of the fence. He explained it is the cable that is like the steering cable used in a boat. The reason he doesn't want a top rail on the fence is to prevent people from climbing it. He does have insurance on the fence so the Board doesn't have to be concerned about people getting hurt if the fence falls.

P. Harris stated that Mr. Dionne promised to build the fence to NH DOT specs. R. Ball stated that he didn't promise to build it to DOT specs but DOT specs is the standard the Board uses on approvals. He looked at other resources and almost every one used a top pipe. He did just find specs from the Chainlink Manufacture Institute that referred to the cable he suggested. He is concerned that the braces have not been done, the fence sags and can be unsightly and catch on clothes. P. Harris wanted to know if there are caps on the top of the posts. If there are no caps the water can build up inside the pipes and rot them. Mr. Dionne stated that the water goes through the pipe because they are in sand not cemented in. W. Rollins stated typically the tension wire cable usually goes on the bottom. It is typical to have a top rail on a chainlink fence. Mr. Dionne stated that he was never told that he needed a top rail and that is the problem. He can't find any case law that shows it is necessary. The fence spec sheet from the State

is for people the State hires to put up fences on State property. It is not for use anywhere else. W. Peterson asked Mr. Dionne if he called a fence company to put up a chainlink fence will they put it up without a top rail? Mr. Dionne said the approval stated that the fence will be done in the future so he can take it down and do it in the future. C. Daigle stated that that plan doesn't require fence to be put up in a specific time frame. When he puts up the fence he will have to meet standard specs. P. Harris stated that Mr. Dionne started his fence and has not finished it. W. Peterson wanted to know why Mr. Dionne can't finish the fence himself. Mr. Dionne stated that his insurance company won't let him because of a liability issue. He has to have a licensed fence installer do it. If the Board allows him to put up the cable the fence won't fall down as long as he is there.

Mr. Dionne stated that the driveway and the fence were the only outstanding items. R. Ball had agreed to come back in the spring. He also had discussions with the State about the driveway permit. He has put down dirt to prevent the sand from washing away and the road deteriorating. He stated that if you walk on the south side of the culvert you can see all the sand that has washed away. He has put in dirt that will not wash out. The driveway had to be completed by June 2010 and he completed it a month ahead of time. He was required to hardtop the driveway 25' in and he did 75' which is more than required.

Mr. Dionne stated that the April 2010 minutes referred to him applying for a roof extension and him not meeting all the conditions of his site plan approval. He feels that he did meet all the conditions. If he had known about the meeting he would have attended to defend himself. He doesn't know why they won't issue the building permit. He has been to Town Hall twice to get approval. He finally changed his building permit to a carport. He put in cement blocks and pressure treated wood that can be moved; he just has to unbolt the wood. At the April 2010 meeting it was noted that his building permit was turned down because he had not met the conditions of his site plan approval. He acknowledged that the proposed building corner is 2' into the wetland setback. Now he has to go to the Zoning Board of Adjustment (ZBA) to build 2' into the wetland setback. He stated that his house was built in 1990 and the wetland setback came into affect in 1993. There is case law that states if the house was built prior to 1993 they can build within the wetlands setback. He does not have the case law available now but he has been told it exists. W. Rollins explained that you can't build today using the setbacks of the past. Mr. Dionne stated that he would go to the ZBA because he won't meet the setbacks. If he moved the structure sideways there would be no alley way between the structure and his house which is a safety concern. It also would be halfway in the garage bay. W. Peterson stated that it looks like he has already started. R Ball stated that the pictures show it as blocks that is some sort of retaining wall not a structure.

The April 2010 meeting referred to the addition as doubling the size of the garage. The garage is 28' x 26' and the addition is 27' x 24.6'. It is 6" shorter on each side. He explained that he is only using one quarter of the garage for his business. The rest of it is used to park his wife's car and storage. He explained that when he talked to S. Dalton he was told that the carport is built to 60lb snow load which is fine for a carport but if he plans on working inside it has to have a 90lb snow load. He then went to have it redesigned to meet the snow load requirement. He explained that the carport is going inside and in front of the garage. It will be 10' high and he may have to change the garage window if it blocks it.

W. Rollins wanted Mr. Dionne to clarify what the issue is that he wants the Board to address. P. Harris stated that this is a small lot with a large business on it. This is a large venture for the size of the property. Mr. Dionne stated that he wants to have a roof over him when he works or he can lose \$1,000 a day when it rains. P. Harris stated that the Board has to consider whether they want to have carports on every commercial lot. Mr. Dionne stated that he had talked to S. Dalton and provided him with the information on the trusses but when that didn't get approved he changed to a carport. He is looking to have something over his head when he is working. He has been upfront with this idea. W. Rollins wanted to know what will happen if the ZBA doesn't approve his setback request. Mr. Dionne stated that he has two options; he can go to court to overturn the decision or he can sell his property to the State and let them bulldoze the property. P. Harris stated that it is not fair to other commercial businesses that have built to spec. Mr. Dionne wanted to know what is not built to spec. P. Harris stated that the addition is not part of the existing approval. Mr. Dionne explained that he didn't know he would grow this fast. The first year he stored six boats and now he stores forty-seven boats. He grew too fast.

P. Harris stated that it is fair to ask for a site plan. Mr. Dionne stated that he has already asked his surveyor to draw up plans for the setbacks. He stated that he is being prosecuted for not having the conditions of his site plan approval done but they were done. W. Peterson explained that when C. Daigle came to the Board with his building permit the conditions were not done. Mr. Dionne stated according to the site plan they were done. C. Daigle explained that in order to be in compliance the driveway had to be done. W. Peterson stated that the mulch and driveway was done after C. Daigle brought his request to the Board. Mr. Dionne agreed and stated that he did what the State required.

C. Daigle explained that Mr. Dionne wants to know if the Board will approve his building permit as a minor change so he can go to ZBA for their approval or would the Board require a site plan. He also wants to know if the Board will allow the cable in place of the top rail on the fence. Mr. Dionne stated that if he puts the top rail on the fence it will block the view and a cable will not.

C. Patten wanted to know if Mr. Dionne put the cable on the top of the fence himself would he be liable the same way he would be if he put the rail on top by himself. W. Peterson stated that everyone who puts up a fence have pipes that are cemented in for bracing and they have a rail on top. Mr. Dionne stated he is not sure if a 4' fence would be a deterrent from people jumping the fence and stealing from his boats. He won't put up a stockade fence unless it is approved by the Board. The current fence has been measured and it is on his property.

W. Peterson stated that if he wants to double the size of the garage he still needs a site plan. Mr. Dionne stated that it is not what he has been told. He went to the Building Inspector and he was told to submit a building permit. S. Dalton clarified that by saying Mr. Dionne was told he needed to submit a building permit and it would go to C. Daigle for zoning review before it gets to him. C. Daigle explained that the reason they are here tonight is so the Board could answer some questions. P. Harris stated that progress has been made. He has concerns about putting up a membrane structure and having it done right because

it is on a main street in town on a commercial lot.

W. Peterson wanted to know if there would be any lights in the addition. Mr. Dionne stated that there would be none because he doesn't work long days. P. Harris wanted to know if it could be moved over 2'. Mr. Dionne stated that it would be too close to the house in case of fire. It also wouldn't line up with the garage doors. W. Peterson stated that the first step is to go for a variance. Mr. Dionne wanted to know if the Board could issue a building permit if he doesn't put up the building until after he gets ZBA approval. It would be easier to give him the permit and he doesn't put it up until he gets ZBA approval. This is the season he works on boats. When he applied he was told he would get a building permit in 7-10 days. If he gets the Board's approval for the building permit he will do more than he is asked for. W. Peterson stated that he has to get ZBA permission to build in the 35' setback. When he has the survey done he can use the same one to come to the Planning Board for site plan approval. P. Harris explained that the conditions on the site plan approval show what is allowed. Now the after-the-fact is that he needs an additional plan to show which was not on the original plan.

Mr. Dionne stated that the conditions did not have the specs on the fence or how the fence was to be built. He doesn't think that it is fair. C. Patten stated that if Mr. Dionne had any questions on how to build the fence then he should have back to the Board or asked staff. W. Peterson stated that everyone on the Board thought the fence would be like other chainlink fences with a rail on top. Mr. Dionne stated that he will take the fence down tomorrow.

P. Harris stated that he would like Mr. Dionne to have a better attitude when working with professionals. Mr. Dionne stated that he has no patience and his voice tends to rise when he gets excited. If you ask him to calm down he does calm down. P. Harris stated that when working with the Board and staff Mr. Dionne should treat them like he would treat a customer at his own business.

P. Harris stated that if Mr. Dionne wants the addition he needs to go to the ZBA for their approval then come back to the Planning Board for site plan approval. Mr. Dionne wanted to know what conditions would be put on the approved. P. Harris stated that he doesn't know until they get the application. There could wetland issues that could impact the products he could use and how they are stored. He doesn't know until they see the proposal. A condition may be that there be no lighting in the building. Mr. Dionne stated there wouldn't be lighting inside but there may be a light on the outside of the building. S. Dalton stated that if there is lighting in or on the building it has to meet the National Building Code. C. Daigle stated the site plan would have to be noticed for a public hearing.

C. Daigle stated that Mr. Dionne mentioned doing a land swap and explained that is the same as a boundary line adjustment. The Board wanted to know if Mr. Dionne planned on proceeding with the boundary line adjustment that he originally committed to. Mr. Dionne said he didn't know. Mr. Berwick, the abutter, stated that he has no idea at this time. Mr. Dionne stated he has been in violation because this was suppose to happen by June 2009 and he has seen no paperwork from the abutter. Mr. Berwick stated that he had full intentions of going through with it. Mr. Dionne stated that he is considering doing

an easement. He would give Mr. Berwick the right to have building but not the land. He will work out an easement or purchase Mr. Berwick's property. C. Daigle explained that it doesn't cure the problem because the property line would still go through the garage when that happens. Mr. Dionne stated that he hasn't come up with a price to buy the property or a decision on what he plans to do. He has spent an additional \$3,500 because his surveyor had to find the property lines all the way up to Wildlife Boulevard. It is not Mr. Berwick's or the Town's fault, it was not done intentionally. R. Ball suggested having the original surveyor do the boundary line adjustment Mr. Dionne stated he doesn't want to sell property up front for the swamp land in back because he will lose potential future income. He is going to get it corrected and will do what is necessary to get it done. P. Harris stated that he needs to do what he promised the Board a year ago. C. Daigle clarified that it was not a condition of approval but was represented to the Board in the public hearing as a commitment.

Mr. Dionne stated that he doesn't want to wait for ZBA approval and then another month before he can come back to the Board for site plan approval. He has EZ up tents and wanted to know if he could use those. C. Daigle stated that Mr. Dionne didn't ask for an EZ up. Mr. Dionne wanted to know if he came in tomorrow would he get approval for a 10' x 20' EZ up in front of the garage. He has two 10' x 10' EZ ups that he would put up side by side. He has had the pop up for two years and is trying to improve the property. It is not a junkyard. There is no junk lying around. He has improved the water that flows into the wetlands by adding dirt to stop the sand from washing out. R. Ball has commended him on the job he has done.

P. Harris stated that Mr. Dionne has to look at what is writing and what the conditions of approval were. Mr. Dionne stated that he knows the conditions and will do what they want and more. He wanted to know if he could go through site plan approval and have conditions put on it before he go to the ZBA. It will be a month before he can get on the Zoning Board's agenda and another month before he can get on the Planning Board's agenda. C. Patten stated that he needs to get the variance first. Mr. Dionne wanted to know if they could get conditional approval that no building permit would be issued without ZBA approval. P. Harris stated that he doesn't know what the conditions would be on the ZBA approval. He needs to go to the ZBA first.

**INFORMAL DISCUSSION – ROBERT DUPONT TAX LOT 101-008:**

Mr. Robert Dupont stated that he was here tonight to ask the Board to be as lenient as possible as he needs some more time to clean up the property or go through the process of having it as a contractors yard. Maine Oxy has agreed to post a bond until it has been cleaned out. He met S. Dalton on site today and he took pictures of the site. P. Harris wanted to know what violations still exist. S. Dalton stated that the following items have been removed from the site: all the snow plows, the salt and sand piles are not recognizable, the large akerman, the fire truck body, the construction trailer, the dump truck, two rolling machines, all the scrap tires, the couch, golf cart, scrap toilets, all but one pile of cinder block and the piles of scrap. The garage and shed appear to be empty. The items still on site are: one rubber tired back hoe(working on-site), one truck cap, one scrap snowmobile, an old garage, shed, one unregistered boat and trailer, one pile of top soil and one pile of cinder blocks that may be used to construct the 18'

retaining wall for pile of fill that has been deposited there.

Mr. Dupont stated he would like to secure the remaining clean up off the lot so they can move forward with the boundary line adjustment and site plan. He will clean up the lot and remove or stabilize and vegetate the fill. He can move the fill around and level it off. He wanted to know if the Board will accept security for the clean up. W. Rollins wanted to know if this is a bond or through cash because it is hard to get money out of a bond company. C. Daigle stated that they have not disclosed what it will be. W. Rollins wanted to know if the fill will be hauled off site or will it become part of the landscape. Mr. Dupont stated that he will sell it off.

Mr. Dupont stated that he will try to get approval for a contractors yard or will move everything to his own property but he needs time to do that. He is willing to keep the material there until he gets approval. He has to go for a special exception and site plan. C. Daigle stated that staff has heard nothing from Mr. Albiston since the March 15<sup>th</sup> letter asking Mr. Dupont to vacate the property. Staff will work with everyone involved to determine the amount of the security and its release.

Mr. Dupont stated that there is between 2,000 and 3,000 yard of loam and 4,000 to 5,000 yard of dirt. W. Peterson wanted to know how far the encroachment is. Using the pictures R. Ball showed the encroachment and explained that the encroachment is where the 18' retaining is going. Mr. Dupont stated that he needs at least 30 days to bring the site into conformance.

C. Daigle explained the options the Board has. If there is no change then Mr. Bladecki, Mr. Albiston and Shooters Tavern can't move forward. They can allow Mr. Dupont time to meet the conditions or release the condition. Mr. Albiston is putting up the security. Mr. Dupont stated that if they give him 30 days he will have the site pretty much cleaned up. C. Daigle stated that he may need more than 30 days because he can't get before the Zoning and Planning Boards in 30 days. W. Peterson suggested getting the dirt moved that interferes with the boundary line adjustment and give him a separate time to cure dirt and then cure the contractor yard. The security is if he does not get the special exception or clean the lot up. C. Daigle wanted to know how long it would take to get the dirt out of Shooters way. Mr. Dupont stated 30 days. R. Ball stated that Shooters will get the dirt out of way of the parking lot. The Board suggested 90 days to cure the contractor yard with security. Mr. Dupont agreed to the time line stating it is plenty of time.

**MOTION:** W. Peterson moved for staff to set the amount of security to cure the contractors yard, and the Board will allow 30 days to remove the contractors yard from Shooters' property and 90 days to remove or permit the contractors yard entirely.

The motion was seconded by C. Patten.

W. Rollins wanted to clarify that the property owner will post security and the entire contractor's yard is to be cleaned up not just the corner where the dirt is. (4-0)

**INFORMAL DISCUSSION – JIM COVIELLO TAX LOT 212-067:**

Mr. Jim Coviello explained that he is here tonight to address two issues. The first issue is a minor change to the site plan. By having the 19<sup>th</sup> pad it puts him out of a private water system even though at the beginning of the project DES said it was ok. DES said you could have ten units on the first system and nine on second the system. The first plan included the road with 18 units. He then removed the 2<sup>nd</sup> driveway to allow for the additional unit. Now DES is saying it is not an acceptable water system. He would like to go back to the 18 unit plan and do it as a minor change. He will be disturbing less area and the lots are not a subdivision but have set locations. He can take one lot out when they come in for building permits. He will have the supporting documents for septic design for each pad. He considers this a minor change.

W. Peterson wanted to know about the changes to the road. Mr. Coviello explained that the prior approval made the adjustment to the road. They are not changing the road just eliminating one lot. P. Harris wanted to know if they are eliminating a lot or changing the lot size; Mr. Coviello used the plan to show the area where he may be slightly shifting the lots. It is just a minor adjustment. W. Peterson stated that the original site plan shows the lots. Mr. Coviello stated that he may shift some site lines due to rocks but at the end he will put in pins to show the lot area that tenants will be renting. C. Daigle stated that by shifting the sites it could affect the drainage way, water connections and septic. Mr. Coviello stated that he has 20 acres and he is putting in 18 units. The original plan showed a second road that is now eliminated. W. Peterson stated that all the sites and drainage were identified on the plan. C. Daigle stated that it could cost more to determine the sites at the time they apply for each building permit because they would have to send each permit to the engineer for review. If the structure is inside the existing plan envelope then staff can do the review. Mr. Coviello stated that he doesn't want to start over. He wants to get it done. If he can do that with a minor change then he will just eliminate one lot and not shift other sites. Mrs. Coviello stated that he wants to leave the 19 lots on the plan and let the people pick the lot they want. The last tenant gets to pick between the last two lots. Mr. Coviello stated that he wants permission to design the 18 pads. C. Daigle stated that the plan is not recorded. The recorded plan has to show the 18 sites. They cannot record a plan with 19 sites when they are only approved for 18 sites. Mrs. Coviello stated that they could put something else like a gazbo on the eliminated lot. P. Harris explained that before they can record the plan they have to pick the 18 sites and have a plan showing that. He considers this a minor change if they are not changing the lines just eliminating one site.

The second issue he wants to discuss is the need to get the project started. This is not the time to sell manufactured homes when the housing market is so cheap. He would like to be make changes to Phase 1. He wants to put a driveway in for two lots and put in lots 15 & 10 because they are on the same septic. They will not be disturbing the lower land. The erosion control permit is under his name so it will be done right. He would like the Board to allow him to do this and put up a bond because he can't jump into a project that would go bankrupt. He needs to secure his approval. C. Daigle stated that active and substantial improvements have to be done within 12 months and the project substantially completed in

four years to be protected from changes in the Ordinance.

Mr. Coviello stated that he has security for recovery. C. Daigle that he would also need security for the road to secure the two units. Mr. Coviello stated that he has to go by setbacks on each site. The ground operation is to make sure that the roads are built to standards. The town is not taking over the roads and he has to pay security to inspect his work. That is \$15,000 of inspection fees to make sure the roads are done right but the town isn't getting the road. This is private property and he is liable for it. All his plans are designed to the town's road standards. Why is he paying for security for inspections to make sure he is doing it right on his own property?

Mr. Coviello stated that the safety that the zoning regulation or State rules may change. He needs to be protected. He wants a guarantee that while he is waiting for the market to change that the density requirement won't change and he loses everything. The security is there for recovery. He has State septic design approval and has a private water system that goes to the Town's engineer to be tested. He volunteered to do the water testing. He has done everything to protect everyone in town and now he needs protection. He has invested \$200,000 and he needs to turn dirt and have it recorded. This is everything he owns.

P. Harris explained that the inspections are done to prevent lawsuits. Mr. Coviello stated that he knows what he is doing. This is not a subdivision that will be sold and the town takes the road. W. Rollins explained that someone could build a project that is not to town standard and then leave. In ten years the people living on that road decide they want the town to take over the road. Without inspections the town would not know the standards the road was built to. Having the inspections prevents oversights. The inspections are valuable. Mr. Coviello stated that if he did a subdivision the town would do the plowing and trash removal but they will not be doing that with this project. He doesn't know why the town is involved in a private water system. W. Peterson used the example of Solar Village where a private water and sewer system were installed and now the town is responsible for those systems. Mr. Coviello guaranteed that his water and septic systems are done right. He stated that he is paying money for something he is not getting services for. P. Harris stated that other developments have had to meet the same standards. C. Daigle gave the example of Sunlake Village that has all private roads and provides private services but were required to have oversight. The town can't assume the burden. It has to protect the taxpayers.

W. Peterson wanted to know what Phase I included. Mr. Coviello stated that it was five lots including the entire drainage system. C. Daigle stated that the current approval expires in September and Mr. Coviello is concerned the ordinance will change and impact the density requirement. Mr. Coviello stated that he will put in the dumpster and mailboxes. The erosion control will be in place and he wants to get two lots in. The changes would include the erosion control, the culverts under the road and bringing water to the retention pond that is already there. The hammer head works because he has to clear the road to get to the well. This will give him security so that he doesn't lose the project. C. Daigle asked if they will build what is on the plan or build it without the pavement. W. Peterson explained that is why

they have Phases. Mr. Coviello stated that with the market the way it is it is a gamble putting in even two houses. P. Harris wanted to know what would happen if they let him build on a substandard level and he runs out of money. W. Peterson stated that Phase 1 would be to build a road and two houses as depicted on the plan. P. Harris clarified that Phase 1 would be to build the road then two houses instead of five houses. W. Peterson stated that Mr. Coviello's engineer could show what Phase 1 would be and how the drainage would work. C. Daigle stated that there would be no disagreement if the development is shown on the plan. Mr. Coviello stated that he will go to his engineer if the Board agrees to the changes and the road could be a hammer head. W. Rollins noted the drainage plan needs to show the culverts. The road has to include the drainage.

C. Daigle stated that they can do phasing at the Board level with a plan but without renoticing. Mrs. Coviello just wanted to make sure that the two houses are allowed in the Phase 1. C. Daigle stated that the two units will meet the substantial improvement requirement for one year, but the project has to be completed in four years. Mr. Coviello stated that he will put in two mail boxes instead of community boxes as part of Phase 1. When he reaches 5 units he will install the mailbox units. He will provide the Board with the new plans for recording. C. Daigle stated that he should just have one plan drawn up for review before he prints all the copies.

**MOTION:** W. Peterson moved that removing one lot to revert to an 18 lots is a minor change.

The motion was seconded by W. Rollins and carried (4-0)

#### **BOARD'S ACTION-MINUTES:**

**MOTION:** On a motion by C. Patten, seconded by W. Rollins, it was voted to approve the minutes of the April 26, 2010, meeting as submitted. (4-0)

#### **STAFF REPORT:**

#### **ALTERNATE MEMBER:**

The Board received Mr. Douglas Sanborn's application to be an alternate member of the Planning Board. W. Rollins noted that Mr. Sanborn has attended several meetings and would be an asset to the Board.

**MOTION:** C. Patten moved to appoint Mr. Douglas Sanborn an Alternate Member of the Planning Board for a three year term until March 2012. Second by W. Rollins. (4-0)

#### **THE LODGE AT BELMONT TAX LOT 246-001:**

C. Daigle explained that Mr. Scott Finnemore explained that the track would like to serve liquor to be consumed outside the building in the fenced spectator area between the building and the race track. She sent the request to the Police and Fire Department for comments and they have no comments. W.

Peterson wanted to know how high the fence is. Mr. Finnemore stated that it is 6' along the parking lot and 4' in the events area. W. Rollins wanted to know if there is a limit on the number of people that can occupy that space Mr. Fillemore stated that he is waiting to hear back from the Fire Department on the numbers.

Mr. Finnemore explained that he is asking the Board for a letter that it is allowed. He will submit that letter to the NH Liquor Commission. It was the consensus of the Board to sign the letter.

**WINNISQUAM BEACH CAMPGROUND TAX LOT 117-015:**

C. Daigle explained that Winnisquam Beach Campground received approval to extend year round water to twenty sites. Now they are asking to extend year round water to an additional fourteen sites. DES does not regulate them any differently if they have year round or seasonal water. The campground is closed one month in the spring but can otherwise be occupied year round. They cannot claim residency. W. Rollins stated that if they are going to be there anyway it is good to have water. C. Daigle explained that the bath house has year round water.

**MOTION:** W. Peterson moved to accept the addition of year round water to an additional fourteen units as a minor change W. Rollins seconded. (4-0)

**FERNCREST TAX LOT 110-006:**

C. Daigle explained that the Board has received a request from Ms. Beth Bascom to abandon, withdraw or void their sixty client Adult Day Care approval. Ms. Bascom would like to go back to the original approval and amend it to deduct two day and two live in staff and add four day clients. The Board needs to accept the withdrawal of the 60 client daycare because it is confusing the State's license approval. C. Daigle stated that four people are four people and it doesn't change the septic requirements or parking. The change will have to meet State regulations. P. Harris stated that the first approval has less of an impact than the second and withdrawal would not create a hardship. They have invested in the clients and their needs. C. Daigle explained that they have to meet all the conditions of the original approval and had received their Certificate of Occupancy. By accepting their withdrawal it would allow them to go forward to obtain a State's license and meet all applicable local and State requirements.

**MOTION:** C. Patten moved to accept the withdrawal of the sixty client day care for Ferncrest and return to the original approval for assisted living. W. Peterson seconded (4-0)

**MOTION:** C. Patten moved to accept the minor change to Ferncrest site plan approval to eliminate two day and two live in staff and add four day care clients. W. Rollins seconded. (4-0)

**WINNI BRIDGE TAX LOT102-007:**

C. Daigle explained the site plan for Winni Bridge included the Gourmet Food Barn and a second building that was never built. They are holding \$14,000 in security for the top coat of paving and recording of the as-built. They are asking the Board to release the interest of the security. In order to

release any of the funds they would have to recalculate the cost of top coat and as built plan as the prices have increased since the approval. If you view the property it looks completed and they could walk away at this time. The property is completely functioning. They can continue to hold security for the second building or close out the property and end the project.

P. Harris wanted to know if they are willing to give up the second building. C. Daigle explained that they have not responded to her letters addressing that issue. R Ball stated that he has been on site and there are no deficiencies in the pavement W. Rollins stated he has been to the site and it looks like everything is in good shape. Any defects would have shown up by now. C. Daigle stated that there is no benefit to the town to hold the security if they offer to close the site. R. Ball stated that the site has been built as designed and there is no need for an As-built.

**MOTION:** C. Patten moved to close the site and return the security or recalculate and refund any extra interest. W. Peterson seconded. (4-0)

**BELMONT FIREARMS TAX LOT 210-005:**

C. Daigle informed the Board that the Zoning Board of Adjustment will be holding a second public hearing on June 23<sup>rd</sup> for the proposed outdoor shooting range. There have been strong objections from a residential owner. At a later date there may be a demonstration to address the noise concerns.

**PLAN NH CHARRETTE:**

On June 4<sup>th</sup> there will be a walking tour, listening session, community supper and listening session. On June 5<sup>th</sup> there will be team work and presentation. Staff is providing information and assistance as directed by the Town Administrator. All Department Heads are to attend the Charrette.

**CUSTOMER SURVEYS:**

The Board received copies of customer surveys.

**BLUE SKY ENTERPRISES TAX LOT 231-014 & 231-014-004:**

C. Daigle explained that Blue Sky originally received approval for the pit on Hurricane Road with one driveway. They then came back for two driveways; one that would cross over their second lot. Now they want to abandon the second driveway so they can sell the other lot. The Board agreed to let them abandon the second driveway.

**TERRA FIRMA TAX LOTS 229-053, 229-053-001, 226-012-001, 226-012-002, 226-011 & 226-012:**

C. Daigle explained that Terra Firma is a 34 lot subdivision off Upper Parish Settlement. In 2006 they went away to work on the drainage review. They disappeared for two years and when they came back she explained that their acceptance had expired and they need to come back under a new application. She received a request from their engineer to be on the agenda for final approval. Last week she received a letter from their Attorney requesting they meet so they could appeal to the Zoning Board her letter stating their approval had expired. She explained that they couldn't appeal to the Zoning Board only the

court because that letter was a year ago. She will be meeting with them on Tuesday and she will explain to them that they need to reapply to the Planning Board. The road plans have to be reviewed by Underwood Engineering. Their plan was also designed under the old DES Alteration of Terrain rules and will need to meet the new rules.

**GISTIS TAX LOT 215-007:**

C. Daigle explained that when she asked Gistis for an agenda for their joint meeting they wouldn't provide one and decided to cancel instead.

**223 DANIEL WEBSTER HIGHWAY TAX LOT 101-028:**

C. Daigle stated that Mr. Young wants to secure some outstanding items that are not necessary to the occupancy of the building. Those items are the fencing and seeding and loaming the gravel area which they intend to do as part of the additional phasing. If they secure the unresolved issues it would give them time to do the work after they get their occupancy permit.

They also feel that the fencing on the rear line is ineffective because the slope of the edge cut is so steep that only 2' of the fence would be above grade. They would like to provide evidence to the Board concerning the fencing. The security would cover the entire cost to install the fence. P. Harris stated that there is a dense tree line on the top of the slope. R. Ball stated that there is an old snowmobile trail there. R. Ball stated that they don't want to loam and seed the flat area because they plan on moving fast with the next phases. P. Harris stated that due to the wind that goes across there if the flat area is left dry it will cause issues. R. Ball stated that there also is debris on the back of the parking lot.

It was the consensus of the Board to accept the security for the outstanding items.

**BROWN HILL ROAD AND BROWN HILL ROAD/RTE 106 INTERSECTION:**

The Board received the draft engineering report on upgrades to Brown Hill Road and Brown Hill Road and Rte 106 intersection. The project originally involved five subdivisions but is now down to two. It seems the intersection upgrades are the most important. They are working with NH DOT to see how much they will participate in the upgrades. District 3 may participate in the widening on Rte 106 to facilitate a left hand turn lane going south and a right acceleration lane going north.

**RESIGNATION:**

The Board received R. Davis's resignation letter. R. Davis's schedule does not allow him time to attend meetings.

**MOTION:** C. Patten moved to accept R. Davis's resignation and thanked him for his past participation. The motion was seconded by W. Peterson. (4-0)

**HAULASS POWERSPORTS LLC FOR THE LODGE AT BELMONT TAX LOT 246-001:**

C. Daigle explained that Mr. Harmon has not paid his Fire Department bill from his last event. He is

under notice from the Town Administrator and Planning Board that he cannot hold another event until that bill is paid. The next event is scheduled for June 18<sup>th</sup>

**MOONEY/NUTTER EARTH EXCAVATION TAX LOT 229-079:**

The chairman signed the Mooney/Nutter Brown Hill Road Earth Excavation Plans.

**MOONEY/NUTTER TAX LOT 201-030:**

C. Daigle stated that she has seen the preliminary plans for the gravel pit on Province Road and they should be coming back to staff shortly. She reminded the Board the Mr. Mooney has not met the conditions of his approval for the wood processing site plan which call for him to pave the driveway apron. Mr. Mooney doesn't want to have a paved apron because he may move the driveway.

It was the consensus of the Board that Mr. Mooney meet the conditions of his site plan.

**ADJOURNMENT:**

**MOTION:** On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 10:21p.m. (4-0)

Respectfully submitted,

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Elaine M Murphy  
Administrative Assistant