

## PLANNING BOARD

Monday, September 26, 2011  
Belmont Corner Meeting House  
Belmont, New Hampshire

Members Present: Acting Chairman Jon Pike; Claude Patten, Douglas Sanborn and Parker Caldrain.  
Members Absent: Peter Harris, Ward Peterson and Christine Long.  
Staff: Candace Daigle, Rick Ball and Elaine Murphy.

The acting chairman opened the meeting at 7 p.m. All stood for the Pledge of Allegiance.

### **PUBLIC HEARING: CAPITAL IMPROVEMENT PROGRAM (CIP):**

J. Pike stated that the Board of Selectmen approved an additional \$35,000 for Municipal Facilities for maintenance and repairs of buildings. C. Daigle suggested it be included in next year's CIP schedule. She explained that the CIP is a multi-year financing schedule for large and reoccurring items. There have been fewer changes this year than since 2006 when the CIP was enacted.

C. Patten wanted to verify that the Library Building Expansion Fund has been reduced to \$25,000 and that the Cemetery Maintenance Fund remains at \$2,000 and the Heritage Commission requests their continued funding. C. Daigle stated that as a result of the last meeting those changes have been made.

**MOTION:** C. Patten moved to adopt the CIP as proposed.

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

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – PHILIP BROUILLARD FOR MOUNTAIN LAKE VILLAGE LLC:** Request for a one year extension (8/24/12) of a previously approved subdivision (10/23/06) to create an 18 lot single family open space subdivision. Property is located on Mile Hill Road, Tax Lots 202-012 & 202-015 in the "RS & R" Zones. PB # 0811P

Atty. Phil Brouillard presented the application.

Atty. Brouillard stated that he is asking for a one year extension. He received approval in 2006 and came back in 2010 for an extension and agreed to make changes to comply with changes in the subdivision regulations. He explained that Laconia did not grant an extension but he is in court to reverse that decision. He explained that he had approval for a 63 lot subdivision and has been receiving 63 separate tax bills for the property so he is confident that the decision will be reversed.

**BOARD'S ACTION – PHILIP BROUILLARD FOR MOUNTAIN LAKE VILLAGE LLC:**

**MOTION:** D. Sanborn moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by 11/30/11 subject to extension or waiver.

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

The acting-chairman opened the public hearing.

C. Daigle explained that the approval is conditioned on having Laconia utilities and roads. Atty. Brouillard is not in violation of any of Belmont's conditions of approval. Atty. Brouillard stated that this is a moderate income housing development near downtown Laconia. The lots in Belmont are the larger lots.

D. Sanborn wanted to know why Laconia denied the extension. Atty. Brouillard stated that they did not think that the economy was a contributing factor on why the development has not moved forward. He explained that the economy has affected the development because banks want the developer's portion up front before they will lend any money.

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

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

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

1. Comply with all conditions of the original approval, subsequent amendments and extensions and those as represented by the applicant during the public hearings on the proposal and within submitted printed documents including the approved plan.
2. The Board is under no obligation to approve subsequent extension requests.
3. Extension is to 8/24/12.
4. Compliance Hearing may be required.
5. Approval is subject to expiration, revocation and changes in the Ordinances.
6. Laconia utilities and roads required to support this project are to be approved and in place.

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

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – DAN MALTAIS/CLOCK**

**TOWER TRADING:** Request for site plan approval for retail sales. Property is located at 287 Daniel Webster Highway, Tax Lot 102-002 in the “C” Zone. PB # 1111P.

Mr. Dan Maltais presented the application.

The Board and Mr. Maltais received a copy of a letter that abutter, Mr. Stephen Grzelak, submitted today.

Mr. Maltais explained that he is applying for retail sales to sell additional items such as sporting good and electronics and things of that nature.

J. Pike stated that in Mr. Grzelak’s letter he stated the need for an updated site plan because of the significant changes to the property. J. Pike stated the Board needs to address this issue. Mr. Maltais stated that the Town already has a copy of a site plan for the subject property.

R. Ball summarized Mr. Grzelak’s letter. He explained that Mr. Grzelak does not want the Board to grant the waiver for a surveyor’s stamped site plan because of significant boundary changes from the previous survey. There have been changes to the ROW due to the widening of Rte 3 which includes a curbed island. The site plan needs to show the Grzelak’s six deeded parking spaces and access and egress from the site. The other issue that needs to be addressed is snow plowing, snow storage and removal. There have been issues with the previous tenant and that needs to be addressed. Mr. Grzelak wanted to know what a pawn shop is as it is not addressed in the application.

Mr. Maltais stated that the changes to Union Road and Rte 3 is a simple reconfiguration of the lot line a difference of 70’. The Town tax maps are even different than what it is out there. C. Daigle explained that the tax maps are not surveys of the property. Mr. Maltais addressed Mr. Grzelak’s concern about a pawn shop by stating that there is no definition of retail in the ordinance and he is asking to sell used items and not be a pawn shop.

J. Pike explained that the site has been abused by the previous tenants and Mr. Maltais is caught in the middle. Dumping of snow has been an issue and a site plan showing the approved location would clear up any setback issues and misunderstandings. Mr. Maltais agreed that snow plowing has been an issue. Ms. Paula Hiuser, the owner of the property, stated that snow plowing should not be an issue because Mr. Grzelak is not supposed to have snow stored on site. C. Daigle explained that is a civil issue not something the Board needs to address. The Board’s focus is the site plan.

Mr. Maltais provided the Board with written authorization from the owners of Clock Tower Trading allowing him to apply for the necessary permits needed to proceed with the application. C. Daigle stated that the site plan needs to show the changes that the State made when they widened Rte 3 and Union Road and moved the island. Currently there are items that are for sale that are parked in the State’s ROW. Mr. Maltais stated that the island is 97’ from the building. The State took a small triangle of land near the storage buildings. All that information is recorded at the Registry. R. Ball stated that the plan that has been submitted doesn’t show the utilities and the display area is already outside the designated area as outlined on the plan. Mr. Maltais stated that he doesn’t need a survey of the whole property. J. Pike stated that they need accurate measurements and footages. C. Patten stated that the plan doesn’t show the dumpster or the snow

removal/storage area. J. Pike stated that what is on the plan does not represent what is currently on display. Mr. Maltais stated that he is asking for a waiver from a surveyor stamped site plan because everything is already on the site. J. Pike stated a stamped site plan is valuable because it shows what is on the site and protects what is allowed. C. Patten stated that he can only approve what is in front of him. If it is not shown on a plan then it cannot be approved. P. Caldrain stated that requiring the site plan to be drawn and stamped by a licensed surveyor makes it hard to bring businesses to Belmont. R. Ball explained that the new Agway store across the street on the old Winni Bridge property was required to have a stamped site plan even though there was a previous site plan. C. Daigle explained that the old survey shows the old trailer on it and doesn't show the new changes to the site. The site plan needs to show what they are going to do on the site.

Mr. Maltais stated that he misunderstood the definition of vehicles and would like to include the sales of all season vehicles, such as snowmobiles, boats, cars and trucks. He would like to have as many vehicles as possible using the entire site except for the dedicated parking spaces for customers.

### **BOARD'S ACTION – DAN MALTAIS/CLOCK TOWER TRADING:**

**MOTION:** C. Patten moved to deny the waiver of a surveyor's stamp on the site plan due to the type and amount of information necessary to document and evaluate the property proposal especially related to recent property line changes making the application incomplete.

The motion was seconded by J. Pike and carried. (3-1) P. Caldrain opposed.

**MOTION:** C. Patten to table the application to Oct 24, 2011.

The motion was seconded by J. Pike and carried. (3-0-1). P. Caldrain abstained.

### **OTHER BUSINESS:**

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

**MOTION:** On a motion by C. Patten, seconded by J. Pike, it was voted to approve the minutes of the September 12, 2011, meeting as submitted. (3-0-1) P. Caldrain abstained

### **STAFF REPORT:**

### **BUSINESS FORUM:**

C. Daigle reminded the Board of the Belmont Business Forum scheduled for Oct 12<sup>th</sup> at the Belmont Lodge.

### **CABLE FRANCHISE:**

C. Daigle stated that the Board of Selectmen (BOS) are reviewing the cable franchise. She explained to the BOS that when new developments come to Belmont Metrocast provides service in a timely and appropriate manner. There are a few areas that do not have service the largest in the Hackett Road area. She is not sure if it is because it is too costly to install or if the property owners do not want it.

P. Caldrain wanted to know if Comcast has ever approached Belmont to provide service. J. Pike stated that

they have not. There are other available service providers.

**PROCEDURES:**

The Board discussed the procedures and regulations that are required to establish a business in Belmont. They discussed a change of tenant needing an inspection from the Code Enforcement Officer and the Fire Department. A change of use requires a site plan. The requirements are outlined in the regulations. The reason for a site plan is to protect the town, the property owner, the business owner and the abutters. A site plan is a record that should clearly show what is or is not allowed on the site.

**ADJOURNMENT:**

**MOTION:** On a motion by J. Pike, seconded by C. Patten, it was voted unanimously to adjourn at 8:05 p.m. (4-0)

Respectfully submitted,

---

Elaine M Murphy  
Administrative Assistant