

PLANNING BOARD

Monday, December 14, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

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

The chairman opened the meeting at 7p.m.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE:

BIOSOLIDS:

P. Harris thanked everyone for coming tonight and explained that the Board has received a petition to allow biosolids. The petition was not received in time to notice for tonight's meeting. It will be discussed at the next Public Hearing.

Mr. Ken Knowlton, representing the Conservation Commission, explained that the Commission was informed about the biosolids issue about a month ago and were asked for their opinion. The Commission researched the web to gather all the information they could find. They had the people from RMI the company that apply biosolids and Dr. Snyder from A Sludge Free NH attend their meeting to give both sides of the issue. After the meeting the Commission did more research and they are recommending a prohibition on the spreading of any biosolids in Belmont. They are not anti-farm or anti-agriculture. The Commission preserves open space and is not anti agriculture.

Mr. Knowlton presented a power point presentation outlining the Conservation Commission's view. He explained that household and industrial waste and runoff goes in sewage. The household components are human waste, poisons, detergents and pharmaceuticals. The law allows hospitals to discharge up to 33 pounds per month of hazardous waste as part of industrial waste. Hospitals discharge pharmaceuticals, pathogens, and radioactive material. Also industrial solvents and chemicals go into the sewage. Runoff from landfills, industrial cleanup projects and streets also go into the sewage. Disease causing microbes synthetic and organic chemicals and heavy metals all go into the sewage. Does Belmont want sewage products in our land and water?

Mr. Knowlton gave the definition of sludge and biosolids. Sludge is the solid that remains after liquid is

removed from sewage at waste water treatment plants. They are the toxic slurry of industrial, hospital and residential waste. Biosolids are any sludge derived from a sewage wastewater treatment facility that meets the standards for beneficial reuse by NH DES. It is treated sludge. He explained how they treat sludge to produce biosolids. They remove the water through centrifuges, vacuums, drying beds and presses. Then treat it with chemicals and minerals such as lime stabilization and pasteurization. It is heated and stabilized by digestion (aerobic or anaerobic).

Class A biosolids have no detectable pathogens. Class B has reduced levels of pathogens. To prevent the dumping of pathogens on our land and leaching into our water supply Class B Biosolids should be prohibited.

Mr. Knowlton explained that NH DES runs the treatment plants, regulates sewage, set standards and pays to get rid of biosolids. They test only every four months at the water treatment plant. They can easily miss heavy loading events. NH requires tests for only 14 metals. There is no long term soil testing required. The Conservation Commission is concerned about the health of Belmont's citizens. The long term health effects are unknown. Biosolids can cause respiratory problems, chronic disease, food poisoning, infections, nausea, vomiting, burning eyes and odor. Toxins can affect plants; then the toxic plants are eaten by animals or humans. Animals grazing on toxic land are eaten by humans. We are also exposed to air borne pollutants. There have been several human deaths reported as well as dairy herd deaths.

Mr. Knowlton used a chart to outline the metal contents of biosolids, poultry manure, cattle manure, phosphate fertilizer and what is recommended in New England. There is a high concentration of copper, lead, mercury, molybdenum, nickel and zinc in biosolids. All these are higher in biosolids than in fertilizer and cow manure. They are particularly toxic to animals and humans. They are also much higher in biosolids than recommended.

He explained the potential impacts to farmers. No two loads have the same composition of chemicals or pathogens so farmers do not know what is being applied. A Cornell study found using sludge as fertilizer may reduce crop production after several years. Farmers may be liable for litigation due to exposure. They could be held accountable to clean up property if high levels of metals or toxins are found in the soil or water test. Dioxins gather in meat, fats and milk and can cause birth defects and cancer. There is no research on the impact of dioxin in sludge.

Mr. Knowlton explained that there are alternative uses for sludge. It can be used as fuel for vehicles and home heating. It can be used in construction material such as asphalt, concrete cement, bricks and aggregate.

In the late 1980's they banned ocean dumping based on dead zones that were created in the ocean. If the ocean diluted the biosolids and it created dead zones then what will happen to our soils. Mr. Knowlton stated that the most important statement of the evening is that the EPA cannot assure the public that current land applications practices are protective of human health and the environment. The health of humans and animals may be compromised from the exposure of biosolids. Land and water

contamination can result from repeated application. The long term cumulative effects are unknown. Neighboring town have banned biosolids does Belmont want to become the dumping ground for other's sludge.

The Conservation Commission is responsibility to intervene and advise and protect the public from exposure to harm where scientific investigation shows a plausible risk. The Conservation Commission recommends the prohibition of spreading of any biosolids (both Class A & B) in Belmont. The Commission works hard to protect the aquifer through the Aquifer Protection Ordinance. The EPA cannot assure the public that current land application practices are protective of human health and the environment. If the people who want to spread it on their land can guarantee that it is safe let them do it but not in Belmont. In the 1960's Laconia's sewer was on line and there was algal bloom in the lake and they told us it was safe to swim and play in the water; there was nothing wrong with algal blooms. Now we know it can kill animals that drink water that has it in it.

P. Harris thanked Mr. Knowlton and the Conservation Commission for their presentation. The Planning Board has also done research on biosolids and explained that the proposed zoning amendment is to prohibit the application of Class B biosolids; Permit the application of Class A biosolids in the rural zone on areas a minimum of 5 acres in size by a Conditional Use Permit issued by the Planning Board. Eliminate the requirement for a Special Exception and define biosolids.

Mr. George Condodemetraky commended Mr. Knowlton on his presentation and wanted to know how this proposed amendment came about. Did the Planning Board decide to eliminate the need for a Special Exception or was it brought about some other way. C. Daigle stated that Resource Management had been approached by clients wanting to spread biosolids in Belmont and thought the need for a Special Exception was not necessary. They came to the Planning Board asking them to eliminate the Special Exception. The Planning Board has done research and has come up with tonight's proposal. Mr. Condodemetraky stated that he owns one of the biggest fields in town which Mr. Mark Mooney manages and he restricts Mr. Mooney from using biosolids on his fields. He has read articles about Vermont farmers who use biosolids and all the problems that have come out of using it. There is more than regular waste going into the sewer. When people get sick they cannot pinpoint the problem. He used the example of Liberty Hill in Gilford where the coal tar was dumped and now there is a high incidence of cancer. He wants biosolids prohibited everywhere in Belmont.

Mr. Tom Clairmont stated that in the spring he wanted to spread Class A biosolids on his property and was told he had to get a special exception to do so. He got part way through the process and was told he needed a variance for stockpiling it. That is when he contacted Resource Management Inc (RMI). RMI explained to him what other towns are doing about biosolids. He explained that the product is not free in acquiring or spreading it. He has 100 yards of poultry fertilizer on his site and has done research on biosolids.

Mrs. Susan Condodemetraky wanted to know about the petition prohibiting Class A and Class B biosolids. C. Daigle clarified that the petition is to permit biosolids using the State and Federal regulations. It is not to prohibit them. Mrs. Condodemetraky stated that it is outrageous that when towns

around Belmont are prohibiting biosolids that we would want to bring them into our town. C. Daigle explained that the proposed amendment is more restrictive than what is currently in our ordinance. Mr. Knowlton stated that the Conservation Commission is an advisory Board and they want to ban both Class A and Class B biosolids.

E Hawkins, a resident and alternate on the Zoning Board of Adjustment, thanked the Conservation Commission for their presentation. The proposed amendment is to streamline the process but it is more restrictive. Class B biosolids are banned and Class A requires a larger lot size. His concern is going to a Conditional Use permit instead of a Special Exception. Under Article 13.C.1. the Zoning Board can determine if the specific site is an appropriate location for such a use. A Conditional Use Permit would take away the voice of the abutters which they have as part of a Special Exception. He supports increasing the lot size but feels there are specific points that can be addressed through a Special Exception and not through a Conditional Use Permit. C. Daigle explained that a Conditional Use Permit requires a Public Hearing and abutters are notified. The Planning Board can also put on special conditions as it relates to each site. Ms. Ginger Wells-Kay wanted to know how the abutter input is handled. C. Daigle stated that the Planning Board can put on specific conditions that are more specific to biosolids than the general conditions that the Zoning Board apply as part of a special exception approval.

Mrs. Elaine Bonnette wanted to know if anyone has contacted DES about the spreading of biosolids. C. Daigle stated that the Board has the regulation and RMI has given a presentation to the Planning Board and Conservation Commission.

Mr. Carl Bartlett, from RMI, stated that there is long term testing in NH for Class B. The PH limits are reached before the allowed metal contents are reached. You have to take into consideration how much material is spread on a specific amount of land. Spreading of biosolids is not checked on commercial sites. The heavy metal concentrate is closely and strictly regulated on the federal level.

J. Pike stated that he has concerns about sludge when it is stockpiled in a concentrated area. Mr. Bartlett explained that when you stockpile any fertilizer it will affect the ground under the stockpile. Biosolids are 50% lime to kill off pathogens. J. Pike stated that dirty dirt is contaminating the earth with what is added to the material. Mr. Bartlett stated that they do not use dirty dirt. They haul that material into a processing yard but do not haul it out.

Mr. Clairmont stated that it is valuable to have a balanced discussion but he suggested that the Board doesn't make a decision tonight. He suggested that they postpone it until the petition article is brought to a Public Hearing.

Ms. Claudette Bryant stated that she owns 1.5 acres and wanted to know if the amendment passes could someone with 5 acres put biosolids on the property next to her. She is afraid that it would get into her garden. She wanted to know if biosolids have been used in Belmont and if a survey is required showing the brooks that are on a property. C. Daigle explained that they have had two applications in the past. There are strict setback requirements that have to comply with. Mr. Bartlett noted Class B soils have to be 500' from a residence and Class A has to be 100'. Mr. Bartlett stated that 50% to 80% PH is used to

stabilize the material. Class A soil is preferred for good agriculture practice. It is low in pathogens. Hannaford stores only purchase from farmers using biosolids. Ms. Wells-Kay stated that companies like Del Monte, Heinz and Campbell will not accept any food grown with biosolids. People buy from local farmers because they know where their food is coming from. If it is grown on biosolids she would not buy it. If the big companies won't buy it she won't either.

Mr. Scott Firth stated that biosolids goes beyond the heavy metal going on the ground but includes how they react with other material. He would not put biosolids on his property. Biosolids also contribute to airborne contaminates. He supports the Conservation Commission recommendation not to spread biosolids in Belmont. Mr. Hawkins reminded everyone that the proposal is more restrictive than what is currently on the books.

Mr. Knowlton reiterated the fact that in 2000 the EPA made the statement "the EPA cannot assure the public that current land application practices are protective of human health and the environment".

Mr. Bartlett stated that the EPA does testing and reviews the procedure every two years. Biosolids are 75% water and 200 ton are spread on an acre field. On Class B soils there are background perk tests. Every field in NH has arsenic level because of the rotting granite. He suggested that the Boards and Commission take a tour of the Winnepesaukee River Waste Treatment Plant to better understand what comprises biosolids. The tour is more productive than the internet. Those stories are old and happened when there were no regulations. RMI has been in business for 15 years. They have records of where all the material goes and why. They were not asking to allow Class B biosolids in Belmont because of all the restrictions.

Mr. Condodemetraky stated that years ago when they were building the Seabrook nuclear power plant they said it was safe and not to worry about waste because they would solve that problem by encapsulating the waste. Thirty years later they still haven't figured out how to encapsulate it. Biosolids is a small growing industry and they don't know what the long term results will be. Let people use it but not in Belmont. If it is so safe why are towns banning it? He would rather be safe.

Mr. Clairmont stated that Class A biosolids are safer than poultry fertilizer.

P. Harris explained that the Planning Board has found that educating and reaching the public is not easy. The Board needs the public's opinion as to what direction to go. Mr. Knowlton agreed. The Commission has known about it for only two months and the computer has good information but it does not have all the answers. There is a lot of information to learn and this is a tough decision. They have to educate the citizens of Belmont and let the people decide. The public has to know what is going on. Mr. Clairmont stated that at the next meeting more information will be provided and everyone has to keep an open mind.

Mr. Bartlett stated that there is not enough material to satisfy all the request in NH. Belmont's present ordinance is twenty years old and was a blanket ordinance when they didn't know the difference between Class A and Class B biosolids. If Belmont has water issues then they go to DES because DES knows what they are doing. A tour of the plant would help everyone.

Mrs. Denise Naiva stated that RMI had a vested interest in allowing Biosolids in Belmont. If she has sheep, cows and chickens she knows where that manure is coming from. She doesn't know what others are putting in their system. It is the fear of the unknown and not knowing long term outcome. They should not rush into anything. There are not a lot of people applying to use it.

Mr. Bartlett said the Town shouldn't belittle DES. C. Daigle wanted to clarify that the Boards are not belittling DES's effort. They work closely with the State on their regulations. Mr. Bartlett stated that it seemed like they were. C. Daigle stated that the Planning Board and Conservation Commission are looking at local issues.

Ms. Wells-Kay stated that there are so many components that are not tested for. There are new chemicals going into the sewage each day, thousand of them are unknown. Mr. Bartlett stated that they test for 120 different chemicals. Ms. Wells-Kay stated that there are thousands of them and they can't test for everything. He stated that we live with toxins and pathogens every day which is okay if used properly. Biosolids are not as toxic as gasoline.

Mr. Knowlton stated that he knows they have the state of art clean up for the sewer but he is concerned about what comes out and the affect it has on the soil and water. He is not saying anything against RMI or DES. If the town wants biosolids there is nothing that they can do. The Conservation Commission is an advisory Board not an enforcement Board. Mr. Condodemetraky agrees with the Conservation Commission and recommends banning biosolids.

P. Harris thanked the public for their input and moved on to the second proposed amendment.

AQUIFER:

P. Harris explained the proposeD changes to the Aquifer Ordinance to Add municipal well-head protection areas to the Aquifer Ordinance. Retitle the Ordinance-Groundwater Protection Ordinance. Amend, add & Delete definitions. Update references to NH DES Rules and Stormwater Manual, EPA Stormwater Prevention Guide and Agriculture BMP Manual. Reduce the amount of regulated substance requiring BMP storage to 5 gallons. Revise fertilizer reference. Appoint Code Enforcement Officer reviewer of Spill plans, Require mobile fueling to comply with Best Management practices.

Mr. Condodemetraky wanted to know why they are changing the wording from aquifer to groundwater. C. Daigle explained that some of the well head areas are outside the aquifer protection district and this would subject those businesses in the well head protection district to annual inspections.

Mrs. Condodemetraky stated that by changing the name it would diminish the Aquifer Ordinance. She suggested that they combine it to be the Aquifer/Groundwater Ordinance. She also wanted to know about the groundwater protection district overlay map. C. Daigle stated that it is the town map and they are adding municipal well head area to the overlay.

Mr. Condodemetraky wanted to increase the seasonal water separation from 4' to 6'. P. Harris wanted to know if there is a significant advantage to increasing it. Mr. Condodemetraky stated that Rte 140 the layer of sand is 100' which filters the water and you need a receiving layer for filtration when it rains and from air pollution and stormwater filtration. It decreases pollution in the aquifer and 6' is better than 4'.

MANUFACTURED HOUSING:

P. Harris moved on the Manufacturing Housing Park proposed amendment. The purpose is to change the density for parks located in the rural zone to one and one-half acres per unit.

Mr. James Coviello stated that he had his park approved but with the current market he is bound by business sense to wait until the economy changes before he begins. This change would be in affect when he has to ask for an extension and would affect his project. This is just another way to affect his project. P. Harris stated that is not the intent of the proposal. The Board is concerned about the impact on services that cluster housing and manufactured parks have on the rural character. Mr. Coviello stated that before he started this business venture he talked to the Planning Board and the Land Use staff and by the time he came before the Board the rules had changed and campgrounds were not allowed so he had to redesign his plans. The rules are always changing. His property supports two units per acres. How is he going to make this project work when the Board keeps changing the rules? He has brought good money into this town and his approval should be grandfathered.

Mr. Condodemetraky suggested that any plan approved in the last two year be grandfathered. C. Daigle explained that the approval is grandfathered for one. Then they have to come back to the Board for an extension and have met the current regulations unless they have made active and substantial improvements. That is a State law. When Mr. Coviello obtained approval he knew it was good for one year. Mr. Coviello stated that in this economy no one is buying or giving loans. C. Daigle stated that she understood but the Board has to look at how many acres that could be developed in the rural area.

Mrs. AnneMarie Coviello stated that they don't have any more money to invest. How can they build if the regulations keep changing? C. Daigle stated that the applicants are the ones who wanted to change from an age restrictive park to an 18 unit traditional manufactured park and then to a 19 unit manufactured park. P. Harris explained that they are not targeting the Coviellos but are looking at what is best for the town. The Board is looking at what would happen if each parcel in the rural zone were allowed to have a manufactured park with 20 units on them. For a single family residence in the rural zone the lot requirement is three acres. The three acre requirement is to preserve the rural character. They are also looking at the impact to the school and are concerned about maxing out the rural area. Mrs. Coviello wanted to know what the difference is if they start the project now or in three years. It is still the same amount of units they are already approved for. P. Harris explained that the one year restriction to do active and substantial development is a State law. Mr. Coviello stated that the minutes will show he planned to start but because of the economy it is not happening this year. He has some concern that it has been only a month since his approval. He came to Belmont to support his family. C. Daigle explained that under State law he has one year to begin active and substantial improvement so plans don't go on forever because the needs of the town change.

Mr. Clairmont wanted to know if the proposed amendment could be delayed for a year. J. Pike stated that Mr. Coviello has done everything the Board has asked him to do and suggested putting the amendment on hold for a year. C Daigle explained that in today's economy with so many foreclosures one of the least expensive way to develop large parcels of lands is through manufactured parks with numerous units and short roads.

Mr. Condodemetraky suggested having growth control and only issuing so many permits per year. Controlling growth allows the schools, fire and police departments time to adjust to the growth of the town. C. Daigle explained that she doesn't think they now meet the criteria for growth control. Growth has to be beyond what the infrastructure can handle. Mr. Condodemetraky suggested increasing the density in village area where sewer and water is provided. Mrs. Denise Naïva stated that they are trying to preserve the rural character so why not allow manufactured parks in other zones. C. Daigle stated that they are allowed in the residential multi-family zone and allowed two units per acre. To meet the State law for manufactured housing the parks have to be allowed in most areas in town which is the rural zone.

Mrs. Elaine Bonnette stated that farmers own a large amount of land which is the rural character that Belmont wants to preserve. They are trying to make the farms economical to run. She stated that cattle manure has more chemicals than biosolids. The farmers are trying to keep their land and increase it. J. Pike wanted to know if biosolids are important what the piles on farmer's land are. Mrs. Bonnette stated it is ash and spread according to regulations. Farmers do their homework.

Mr. Coviello suggested rewriting the proposed manufactured park proposal so that the density applies to any new manufactured park that is applied for. With a density of 1.5 acres per unit it would close his park. It is not like he is having three hundred units. He would like the Board to rewrite the proposal so that only any new projects submitted have to go by these rules. J. Pike would like to be able to extend Mr. Coviello's project for one year under the existing regulations without having to apply any new regulations to his extension to give him a chance to get his project started. C. Daigle stated that she will check with the attorney for options.

The chairman closed the Public Hearing.

NON-PUBLIC – RSA 91-A:2,I(b):

MOTION: P. Harris moved to go into non-public session at 9:07 to review an opinion from Counsel related to manufactured housing seconded by C. Long. Roll call was taken (4-0). Those present were Peter Harris, Claude Patten, Christine Long, Jon Pike, Candace Daigle and Elaine Murphy.

The Board reviewed correspondence from Counsel. No decision was made while in non-public session.

MOTION: J. Pike moved to come out of non-public session at 9:16 seconded by C. Long and carried (4-0).

PROPOSED AMENDMENTS:

MOTION: J. Pike moved to table the Manufactured Housing Park amendment. The motion was seconded by C. Patten and carried (4-0).

The Board discussed biosolids. J. Pike stated that the Conservation Commission doesn't endorse allowing biosolids in town. He believes that not enough is known about the affects of biosolids so they should not be allowed in Belmont. C. Patten agreed. He has concerns about the affects biosolids would have on dug wells. C. Long also agreed.

MOTION: J. Pike moved to renotece sludge/biosolids as not permitted in all zone and add definition for biosolids. The motion was seconded by C. Patten and carried (4-0).

MOTION: J. Pike moved to renotece the Aquifer proposal to change the name to Aquifer/Groundwater Ordinance. The motion was seconded by C. Long and carried (4-0).

It was the consensus of the Board to hold the 2nd Public Hearing on December 28, 2009 at 7.PM.

The Board discussed looking into a growth ordinance. If they have a growth ordinance that is triggered when growth has reach the point of impacting services and the infrastructure they will be prepared for any spikes in growth without having to wait to adopt a growth ordinance. They are looking at future of long range affects growth could have on Belmont. They are not looking at doing anything this year but will revisit it again next year or through a special Town Meeting.

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted to approve the minutes of the November 23, 2009, meeting as submitted. (3-0-1) J. Pike abstained.

STAFF REPORT:

223 DANIEL WEBSTER HIGHWAY TAX LOT 101-028:

C. Daigle stated that the chairman signed plans for 223 Daniel Webster Highway and they have received their building permit to start construction on the shell. The permit for the unit fit up has not been issued.

They are waiting on approval for the fire suppression system.

DAVID LIBBY TAX LOT 224-022:

The chairman signed the Notice of Decision and site plan for David Libby's automotive repair business on Lamprey Road.

FIRST BAPTIST CHURCH TAX LOT 122-022:

C. Daigle explained that the First Baptist Church on Church Street has brought fill onto the property in preparation for site work. They have stabilized the fill and will come back to Board with site plan.

SUNLAKE VILLAGE TAX LOT 101-001:

C. Daigle informed the Board that SunLake Village has gone to foreclosure. There is sufficient money in escrow for the second coat of asphalt with the accrued interest.

SOUTHWORTH MAGNETIC TAX LOT 204-007:

C. Daigle informed the Board that the dumpster at Laconia Magnetic has been fenced in.

BUDGET:

The 2010 Land Use budget has been approved by the Board of Selectmen and the Budget Committee.

ELECTIONS:

C. Long and W. Peterson terms are up in March and need to sign up for reelection between January 20th and 29th.

WILLIAM OTTO:

The Board received William Otto's resignation. He is not able to continue on the Board due to health issues. The Board signed a card thanking him for serving and wished him the best.

TIMELY REMINDERS:

The Board received a copy of an email from Cynthia DeRoy, Town Clerk, stating how new residents find the Timely Reminder handout helpful and appreciated it.

ADJOURNMENT:

MOTION: On a motion by C Patten, seconded by C Long, it was voted unanimously to adjourn at 9:30p.m. (4-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant