



TOWN OF BELMONT, NH

PLANNING BOARD

Monday, February 23, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

Present: Chairman P. Harris; V. Chairman W. Peterson; Members C. Patten, C. Long and R. Davis; Ex-Officio Member R. Caldwell; Alternates W. Rollins and W. Otto; Staff C. Daigle and R. Ball.
Absent: Member G. Flack.

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

1. Minutes:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted unanimously to approve the minutes of January 12, 2009 as written. (5-0-2 W. Peterson & R. Davis abstained)

MOTION: On a motion by R. Davis, seconded by W. Peterson, it was voted unanimously to approve the minutes of January 26, 2009 as written. (4-0-3 C. Long, R. Caldwell & C. Patten abstained)

2. Other Business:

A. Voting Reminders:

1. Candidates Night, Thursday, March 5, 6pm to 8pm, Belmont High School.
2. Voting Day, Tuesday, March 10th, 7am to 7pm, Belmont High School. Staff handed out copies of the Voter's Guide.
3. R. Davis & C. Patten are running again. In addition Ernie Roy and George Condodemetraky have signed up for the two seats.
4. There were no questions during the deliberative session that related to the Land Use budget. An explanation was provided at the session regarding the proposed zoning amendment.
5. Staff handed out copies of Town Report.

B. Employment Contract: The Board reviewed the proposed 2-year contract extension for Elaine Murphy as Administrative Assistant. The proposed change includes a stipend if she assumes additional administrative duties during the absence of the building official in excess of three weeks. The contract is recommended by C. Daigle. C. Long asked about when comp time is scheduled if the office is already short-handed. C. Daigle noted that

the scheduling of comp time has to be approved and Elaine has always used it around the office schedule. P. Harris noted that the duties the Assistant assumes are usually paid to the building official at a much higher rate of pay. C. Daigle noted that the significant work that Elaine put into organizing and scheduling the duties for the contract inspector during the extended time we were without a building official helped keep the contract costs down. In addition, she answered a great many technical questions regarding Belmont’s application of the codes during that absence.

MOTION: On a motion by C. Long, seconded by W. Peterson, it was voted unanimously to enter into the two-year contract with Murphy as proposed. (7-0)

The members signed the proposed contract.

C. Staff Project List: C. Daigle referred to the outstanding Land Use staff project list provided to the members. She reported that staff has been working on some of the projects since the first of the year. For instance, there were quite a few older plans rolled in the basement that were left by the last tax map update of 1998. Many were older versions of plans the mappers used in their update. Others were duplicates. All have now been gone through. Those found to be duplicates were discarded; others were indexed and filed in the vertical and flat files. Other projects come up which are not on the list. As part of the current aquifer project staff has completed an updated list of Potential Contaminants for the community. There are in excess of 350 sites on the list including Active and Inactive DES sites and sites of local record.

She asked members if they wished to prioritize the outstanding project list in anyway or had other projects that were not on the list. She also recommended that the Board consider making some housekeeping updates to the Subdivision and Site Plan Regulations (both last amended in 2006) during the upcoming year. The list could include items such as:

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| Correct reference to Water Commission | Define & allow hammerhead turn-arounds |
| Require plans to show total lot frontage # | Infiltration limiting factors (silt, etc.) |
| The new Registry fees | The State’s licensing of Landscape Arch. |
| Minimum sidewalk standards | Multi-page plans require Overview page |
| Curb detail | Require phase sheet for phased projects |
| Require stone bounds only for road ROW | Center line striping |
| Conditional Use Permit process (aquifer) | Amend DES Stormwater manual reference |

P. Harris asked about the Weeks project. C. Daigle explained that it referred to a process whereby under very unusual circumstances staff works with the building official on a request to the Selectmen that no action be taken on a violation. In this instance the setback encroachment was only found as the Town has developed more precise mapping capabilities.

The Board supported the project to amend the Site Plan and Subdivision Regulations to keep them current.

- D. Alternate Terms: C. Daigle noted that W. Rollins' term is up on March 31st. Reappointment could be considered at this time if Mr. Rollins is willing to serve an additional term. W. Rollins expressed his willingness to continue as an Alternate.

MOTION: On a motion by R. Caldwell, seconded by W. Peterson, it was voted unanimously to reappoint William Rollins as an Alternate Member for the upcoming 3-year term. (6-0-1 W. Rollins abstained)

- E. O'Connor Excavation 204/27 & 29: As a condition of their approval they are required to present a cost estimate for reclaiming the site to staff for review. In the past, such estimates have been sent out to Mike Lynch of NRCS. He reviewed the reclamation plan and cost for the Town. There was no cost for this review. He recently informed the Town that they could no longer do the work as their work load has increased. We checked with Gerry Lang of BCCD who does our drainage reviews. He can incorporate the reclamation reviews into his drainage reviews in the future. However, for this site which is a permit renewal issue, the Board did not require an independent drainage review. Therefore, Gerry's work to review the reclamation would be greatly increased. His estimated cost to review the reclamation is \$900. In this instance both the reclamation plan and cost estimate were prepared by a licensed Professional Engineer. Staff is recommending that if the proposed cost is comparable to those that have been recently received for other sites (and approved by Mike Lynch), that no independent review of the cost be required and that the Board determine that this is a minor change to the approval and no public hearing is required on the following basis:

1. A cost of \$900 for this review is excessive in relation to this particular proposal;
2. The pit will be reclaimed in phases which will give us an opportunity to evaluate the effectiveness of the reclamation prior to full pit closure;
3. The excavation permit will be reviewed every two years giving the Board the opportunity to have other input at that time if they feel it is necessary;
4. This is not a new excavation but is one of several that we're trying to get back into a permitted situation;
5. The proposed plan/cost is under an engineer's stamp;
6. There have been no historic failures in the operation of the pit relating to the existing drainage/reclamation process.

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously that staff review the reclamation cost estimate submitted by O'Connor and that no independent review be required unless staff brings the issue back to the Board. (7-0)

The chairman also signed the Notice of Decision and final plans.

- F. CAP Sidewalk Escrow – Concord Street 126/18: C. Daigle reported that the Selectmen have abandoned the sidewalk construction project related to the construction of the Sandy Ledge affordable housing project on Concord Street. At the time of approval, CAP was required to escrow \$37,420 with the Town towards their "fair share" of the

construction. The funds are due to have been expended or to be released by 5/23/2009 and C. Daigle requested permission to return the funds at this time. W. Otto asked why the Selectmen abandoned the project and stated that there are always kids walking in the road. R. Caldwell noted that there was opposition from the owners along the road to the project. C. Daigle noted that the one business and many of the dwellings were very close to the road and those people were in opposition to having the sidewalk encroach on their uses. C. Patten asked how much money the Town had spent to date for the design work. C. Daigle will provide that information to the Board.

MOTION: On a motion by W. Peterson, seconded by C. Patten, it was voted unanimously to return the funds to CAP as no sidewalk is being constructed. (7-0)

- G. Gilbert – Water Withdrawal 244/4 & 15: In 2007 Mr. Gilbert had a conceptual discussion with the Board regarding a proposed water withdrawal project on his property on Shaker Road. He was informed that the use was subject to Site Plan approval; the water withdrawal was subject to State oversight. He has submitted a preliminary application to DES under the water bottling Rules as his withdrawal is currently proposed at just under the minimum gallons-per-day that would trigger a Large Water Withdrawal permit. R. Ball explained that DES provided us with notice of the application, but indicated that there is significantly more work that would be required prior to the application being determined complete. It will not be a large water withdrawal as they are proposing to withdraw a maximum of 39gal per min which will be just under the 57,600 gpd that would trigger a Large Water Withdrawal Permit. Stephen Roy the NH DES permitting manager explained to staff that the use will require a Water Bottling withdrawal permit and that the State's review of the application will be a rigorous as it would be for a Large Water Withdrawal project. The major difference is that it will not require a mandatory public hearing at the State level. Mr. Gilbert's business plan is to withdraw a maximum of 57,600gpd and truck it off site to a bottling facility. The well is a bedrock well and not located in the Town's aquifer. Mr. Roy tried to impress on Mr. Gilbert that the State has never seen that particular business plan work however, because of the comparatively miniscule withdrawal versus the cost of permitting and operating the facility. However, Mr. Gilbert feels confident the business will be successful. Staff will monitor the progress of the State application which is currently in the first phase.
- H. Aquifer project update: Staff has met with LRPC and representatives of Tilton and Northfield on three occasions related to the current grant-funded project to assist all three communities develop and update their aquifer ordinances with an eye to achieving complimentary documents where possible. The next meeting is scheduled for tomorrow, 2/24, 1pm at the Corner Meeting House. Staff has completed an update of potential contamination sites in Belmont and will be mapping the sites. Tomorrow's meeting should include DES representatives regarding Ordinance development.

There has been quite a bit of talk (outside of this project) about Towns adopting Ordinances to locally regulate Large Water Withdrawals. Currently the State law preempts cities and towns from adopting such Ordinances and all large water withdrawals are regulated by the State. However that has not dissuaded communities like Barnstead

from adopting such an Ordinance. Some are encouraging other Towns to follow suit. Certainly the most compelling purpose for such an Ordinance is to protect a community's water resources for themselves and not have their potable water taken away. However, in light of the State's current preemption of our right to adopt such an Ordinance, some of the basis for such an action seems to be the theory that if you have such an Ordinance on your books, even if it is not legal, it would cost money and time for someone to challenge it so perhaps they'll go somewhere else to get their water. There also seems to be the hope that someone will challenge it and it will be heard as a Constitutional issue and the State preemption will get overturned. It is obviously too late for us to think about an Ordinance until the next Town Meeting, but it is something to keep in mind. There is also currently a bill in this Legislative Session regarding some changes to the law however it has been found inexpedient to legislate. This issue is not part of the current aquifer project. W. Peterson suggested that it would be more appropriate to talk to the Legislators rather than support an Ordinance that is not legal and thereby expose the Town to challenge and unnecessary expenses.

- I. Foley Oil 201/2: C. Daigle noted that Mr. Pierson of Foley Oil had spoken with staff regarding plans for their site. They had previously obtained a Special Exception and spoken to the Board regarding upgrading their fuel farm. Those plans are postponed at this time due to the economy. They are currently considering moving their administrative office onto this site and converting one of their existing bays into an office. The use is permitted, and the space to be converted is less than 600sf. She asked if a site plan would be necessary and if it would be reviewed as a minor site plan. The board noted there is a limited office on site already and this would be a shift in the square footage used by the existing uses already on site. They also felt it would provide additional security to the site.

MOTION: On a motion by W. Rollins, seconded by W. Peterson, it was voted unanimously that this is a minor change and does not require Site Plan review. A building permit is required, the renovations must comply with all applicable standards and staff will review any exterior changes related to appropriate access and signage. (7-0)

- J. Maple Hills/Realty Resources 204/23: C. Daigle reported that the majority of the work has been completed and the bulk of the escrow funds released. Final work will be completed in the spring. They currently have 100% occupancy.
- K. OEP Spring Planning & Zoning Workshop: Will be held on Saturday, May 2nd in Manchester. Staff handed out info.
- L. Law Handbooks: Members received the 2009 law handbooks.
- M. WJK Realty: C. Daigle reported that the owner did not comply with the Town's request to forward water test results to DES. The Town has done that and requested DES's comments on the test results. The owner has also not yet complied with the Board's requirement to keep the escrow account replenished for the Town's consultant to review the water test results. That matter has been turned over to Counsel. There is currently

another operator considering occupying the site and staff is working with that individual to bring them up to date on the status of the site and to facilitate the new tenancy if he moves forward with his plans. With the exception of the water testing issue, the site as constructed is basically in conformance with the approved site plan. The operator has not yet moved forward with expanding the parking lot, but that is something that is allowed, but not required under the approved site plan. The building was retrofitted with a full alarm system and other site improvements have been completed. The one other operational issue that occurs from time to time is parking of displayed vehicles in unapproved locations. Such operational issues could be cured by the new tenant, and he has been advised of the current water testing status.

Adjournment:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted unanimously to adjourn at 8pm (7-0)

Respectfully submitted:



Candace L. Daigle, Town Planner