

## PLANNING BOARD

Monday, December 8, 2008  
Belmont Corner Meeting House  
Belmont, New Hampshire

Members Present: Chairman P. Harris; G. Flack, C. Patten, C. Long, R. Caldwell and R. Davis.  
Members Absent: W. Peterson.  
Alternates Present: W. Rollins and W. Otto.  
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7p.m.

### **HURRICANE ROAD REPAIRS:**

C. Daigle explained that tonight they are discussing the process of determining the cost of recent repairs to Hurricane Road and the value of Blue Sky Enterprise's contribution to those repairs. There needs to be a formula that is specific to the site and excavation. She explained that in April 2007 Mr. Howard Warren received approval for 80,000 annual cubic withdrawal. In November he came back to the Board to release the 80,000 limitation and received approval with the condition that staff evaluate the condition of Hurricane Road and assess what possible future damages that may occur.

Mr. Jim Fortin, Public Works Director, explained that he has had discussions with Mr. Bill Nutter and Mr. Warren on the condition and cost of repair for Hurricane Road. They discussed the 1,800' of roadway that they determined was the problem area that was in danger of failing. Mr. Fortin stated that he was afraid that the road would become impassible and a danger to the public by the additional truck traffic from the pit. He got together with Mr. Warren and Mr. Nutter on how to get by for the next few years. They discussed shimming and overlaying the road and what Mr. Nutter and Mr. Warren's participation would be. Mr. Fortin explained that the total cost of repair was estimated at \$23,000 and Mr. Nutter's portion for the overlay would be \$9,300. Mr. Nutter thought that was too much. Staff compromised and thought \$7,000 was fair. Mr. Nutter sent the Town a check for \$5,000. Mr. Fortin explained that there is no formula in place to determine the cost for the applicant. It is not right for the taxpayers to repair the road that is damaged because of the additional trucking from the pit. The road has been shimmed and overlaid which is a temporary fix for a couple of years.

C. Daigle explained that Nutter has posted a \$10,000 bond for future repairs to the road that is caused specifically by their trucks. They have been very responsive and have been working with the Town throughout this process. She explained that Merrill's pit also has been assessed security for road repairs specifically for damages caused by their trucks. Mr. Fortin stated that they now have a base line in place

for their protection and our.

C. Daigle stated that they will have an annual site walk to look at the road and determine what may need to be done. They have to determine a formula for the cost based on the unusual use due to the heavy truck traffic. This is when we look at businesses to participate in repair and upkeep of the road.

Mr. Howard Warren stated that he is happy with the discussions but it is troublesome because he didn't know they would have to pay a fee for the road that others don't have to pay. The road is where the old dump was, town shed is, and there were other pits on that road. When the roads were built they were built for horse and buggy and not designed to handle today's traffic. When the town asks for money for road repairs it usually is defeated. There isn't a formula that works to determine a fair cost for repairs. They have discussed basing the fee on tonnage but haven't come up with a formula. As a business they need to know what the cost will be so when they go out to bid they know what their overhead is. By paying the \$5,000 this year the fee came out to a \$2.00 surcharge on every truck load. At \$7,000 it would be \$2.80 a load. You can't run a business if you don't know what the cost will be. They need to know what the cost is based on.

Mr. Warren explained that the gravel pit owners have to pay to maintain the road and there are a lot of other businesses that use heavy trucks as part of their businesses; oil, gas and delivery trucks, and it is not fair to be singled out to pay a surcharge that no one else is paying. He is willing to pay his fair share. He gave the Town a ROW to get to the town pit which is worth something. The ROW makes the trip from the town pit to the town shed 1.3 miles. If they did not have the ROW the trip would be 3 miles and that would add to the cost of each trip. It would take more man hours for each trip, add more miles on the town vehicles and add to the cost of fuel. They gave the Town the ROW because they were acting neighborly. With the \$5,000 and the ROW he feels they have done their duty this year. They need a formula to determine the cost so they can plan for what is coming up but he is not sure that this is the right way to go about it. He doesn't want to pay for the past and other people's share but he is willing to do his fair share. He is willing to work together to determine a fair method.

Mr. Bill Nutter stated that they came up with the \$5,000 figure when they met in May because he didn't think it was fair to pay for half the repairs so he offered \$5,000. In Florida they came up with a fair method which is impact fees. This is a construction industry based tax. With impact fees the building permit fee is based on square footage with a different fee for commercial and residential uses. They need to know up front what the cost will be and the process now doesn't do that. If they base it on the gravel tax figures it would be a way for everyone in the industry to participate.

Mr. Warren wanted to know how far from the pit he is responsible for. C. Daigle explained that it was from the pit entrance to Seavey Road. It was determined that it was the best way to access the pit and the worst part of road. Mr. Warren reiterated the fact that there used to be dump traffic using that road and there were other pits and a car crushing business on the road. He also stated that the studies show that the houses on the road make 520 trips a day on that road. He is concerned that they are being singled out. He thinks that paying the \$5,000 to fix the road and giving the town the ROW is doing their fair share. In other towns you are only responsible for the entrance and exit to the pits. If they damage any other part

of road then they have to pay for damage from their trucks. He stated that Hurricane Road has been used heavily over the years and there is a bond in place for direct damage.

Mr. Nutter stated that the truck traffic was not as intense this year as anticipated, which is why the fee should be based on tonnage. Last year they based it on 15 trucks a day and other traffic like bus, fuels and delivery trucks make more than 15 trips a days. He registers his trucks in Belmont and has to pay extra because of the weight of heavy trucks.

Mr. Fortin stated that he had some options such as posting the road, having the taxpayers pay for the road repairs or having a workable agreement with the pit owners/operators.

Mr. Nutter stated that there are two separate issues: the first being that they pay and no one else has to and the second is if they do have to pay how it determined. Mr. Fortin stated that if they pay by the ton and they don't have enough money to finish the road what happens then? He explained that Mr. Warren, Mr. Nutter and the Town have had a neighborly working arrangement.

R. Caldwell stated that the ROW is a valuable asset to the Town and wanted to know how long it is good for. Mr. Warren explained that it is a gentlemen's agreement. Ms. Karen Feltham stated that it is valid as long as they have an operating pit. Mr. Fortin stated that this is the ground work for other pits. Mr. Warren stated that they could use the figures from the gravel tax report every year. Mr. Nutter suggested two cents a yard or three cents a ton. He stated that if others are paying in then they are on equal footing. By paying based on the gravel tax report they are putting money ahead so there will be money available before the road fails.

C. Daigle explained that they are not being singled out. This is a philosophy change of the Board. Staff recommends that any new commercial business on town road would have to contribute to the road if there is unusual usage of the road. Mr. Nutter stated that any other businesses would be hard to determine the usage. C. Daigle stated that the commercial entities would have to secure funds for immediate damage to road and to repair road. They would escrow funds toward the repairs. The entities that come in for approval need to look at the road and come up with formula to assess the road.

C. Daigle stated that she appreciates Mr. Warren's and Mr. Nutter's participation, involvement and recommendations. Mr. Fortin agreed and stated that the \$5,000 and the ROW are worth something. He is fine with that amount for this project. He suggested that they walk the road every year to see any unusual wear and tear on the road. Mr. Nutter stated that by establishing a fund they would know how much they need to plan into the cost of operating. C. Daigle wanted to know if they use a formula based on the gravel tax figures would it be the figures from the previous year or the anticipated figures. Mr. Nutter stated it would be the previous year's figures. C. Daigle stated that she will look into the mechanics and legality of setting up this type of formula. She recommends to the Board to forgive the \$2,000 and accept the \$5,000 and the ROW for this project. When the applicant comes back to the Board to renew their permit they will discuss the funding for road repairs.

Mr. Warren wanted to know if he could work with Public Works to do some of the road work instead of

having to pay money for the repairs. C. Daigle stated that the discussion would be with Public Works. It is not in the Board's jurisdiction to make that determination.

**MOTION:** R. Davis moved to accept the \$5,000 and the use of the ROW as Blue Sky Enterprises contribution for the current repair to Hurricane Road. Mr. Warren will provide a written easement.

The motion was seconded by G. Flack and carried (6-0).

**BOARD'S ACTION-MINUTES:**

**MOTION:** On a motion by C. Patten, seconded by R. Davis, it was voted to approve the minutes of the November 24, 2008, meeting as submitted. (5-0-1) G. Flack abstained.

**STAFF REPORT:**

**ROBERT AND MELISSA ATHERTON TAX LOT 229-041-001:**

The chairman signed the Atherton subdivision plan,

**ZONE CHANGE:**

R. Ball explained that Mr. Ken Ellis has asked to have his lot on Rte 106, 230-113-001, rezoned from commercial to rural. Most of the lot is beyond the Tioga River and cannot be developed commercially. When staff looked at having that lot changed he noticed four lots that could benefit from rezoning. He contacted the other three owners and has received their response. Mr. Dunn, tax lot 237-023, and Mr. Marinkovich, tax lot 230-111 do not want to change the zoning on their lots. Mr. Mark Mooney, tax lot 229-087 has frontage on Brown Hill Road and wants to participate in the changes. A small portion of his lot will change from commercial to residential single-family.

**MOTION:** G. Flack moved to hold a public hearing for the zone changes to tax lot 229-087, 230-113 and 230-113-001

The motion was seconded by C. Patten and carried (6-0).

**ADJOURNMENT:**

**MOTION:** On a motion by C. Patten, seconded by R. Davis, it was voted unanimously to adjourn at 8:30 p.m. (7-0)

Respectfully submitted,

---

Elaine M Murphy

BELMONT PLANNING BOARD  
2008

5

DECEMBER 8,

Administrative Assistant