

PLANNING BOARD

Monday, October 19, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

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

The chairman opened the meeting at 7:04 p.m.

Resource Management Incorporated (RMI) – General discussion on Biosolids:

Mr. Charley Hanson, Mr. Carl Bartlett and Ms. Jessica Gooch presented a power point display on Biosolids.

Mr. Hanson explained that this summer RMI had been approached by local farmers wanting to use Class A biosolids in Belmont. RMI is a local organic waste recycling company in Holderness. Annually they deal with 275,000 cubic yards of primary organic residual.

The types of material they work with are Wood Ash which is potassium based, Short Paper Fiber which is used for animal bedding and land fill closure projects and Biosolids which are the solids left over from sewage treatment plants.

Their main program is biosolids used for land fertilizer. They work with farmers to apply nutrient based fertilizer to their land which is made from only recycled material that meets Federal requirements. They work with the farmer to determine their needs and then use Best Management Practices for applying them. Biosolids and Short Paper Fiber are applied once a year. It is a cost effective form of nutrients. Organic material creates long term nutrients in the solids.

Class A biosolids are approved for general distribution and do not require State permits. Belmont's current ordinance takes too much time and resources for Class A biosolids to be useful. In the 1990's biosolids were a hot topic; which is when Belmont adopted their ordinance. We now have State statutes that are the most extensive in the country. The soil has to be analyzed four times and also has to meet the Federal rules. RMI is here tonight to look at options to help farmers be able to use these biosolids materials without needing a special exception. Class B Biosolids have a well monitoring program and the State monitors them extensively.

Mr. Hanson stated that Mr. Tom Clairmont and Mr. Mark Roberts are interested in using biosolids on their property and are present tonight.

P. Harris stated that there had been controversy about using dirty soil for fill which confused the issue of biosolids. Mr. Hanson explained that in the 1990's the program was not well managed but is well managed now. The Class B biosolids need a site permit for each site and a representative from DES visits each site. They now have a better understanding of the material than they did in the 1990's. He used the example of how they used Short Paper Fiber to rebuild the topsoil to reclaim a farm that was washed away in the Alstead floods.

Mr. Hanson wanted to know if the Planning Board is willing to propose an amendment to repeal the requirement that a special exception is needed to use biosolids or if they prefer it be proposed by petition.

C. Daigle wanted to know if Belmont adopted the State rules how would they be able to regulate the use of biosolids if a special exception is not required. Mr. Hanson stated that they could be regulated through a health ordinance. He explained that when a new site uses Class B biosolids DES has a hearing. Abutters are notified and concerns are addressed. C. Daigle wanted to know how it is applied through a health ordinance. Mr. Hanson stated that the rules come from DES for Class A and B biosolids and you can contact DES with any concerns. C. Daigle stated that she does not see the point adopting something unnecessarily if it is simply the same as the State's regulations. Mr. Hanson stated they could repeal the current ordinance. C. Daigle wanted to know what people who disagree with using biosolids are arguing regarding the use. Mr. Hanson stated that it is a small group of people who are against them and they have to educate those people. They have to get the information out to more people making them aware that they use Best Management Practices making it safe for the neighbor and any odor issues are addressed. The use of biosolids is safe and effective. Some urban lots are using biosolids as topsoil because it is safer for children to play on because they absorb less lead than from dry soil.

Mr. Hanson stated that if the Board put it on the ballot RMI would be available as resource. They have been recycling since 1996. It is a good product and works well. They will work to educate the public.

R. Ball wanted to know if they test for need before applying it. Mr. Hanson stated they apply based on the proposed crop and soils.

W. Peterson wanted to know if there is a minimum lot size requirement to spread Class A soils. Mr. Hanson stated it is five acres that makes it operationally practical for them.

C. Daigle wanted to know if they are planning to apply the biosolids or are they processing it. Mr. Hanson stated that they have a processing plant where they do manufacture top soil, but propose only to apply it in Belmont.

R. Ball wanted to know if they should consider separate regulations for Class A and Class B and topsoil.

Mr. Hanson stated that there have been nitrogen problems in past but the way they manage it now the impact is less. R. Ball stated they are all biosolids and wanted to know where they get their material. Mr. Hanson stated from the Winnepesaukee River Basin, Durham, Concord and other areas throughout the State. R. Ball wanted to know if industrial areas are the most problematic. Mr. Hanson stated that industrial areas have pretreatment and do more testing upfront. In Franklin they found more arsenic and copper in private wells than in the industrial area.

P. Harris stated that education is important. Mr. Hanson stated he would work with the Board on educating the public and will take the Board on a tour of the Franklin plant if they would like. He will also work with the Conservation Commission.

W. Peterson stated that he is not in favor of repealing the whole ordinance. He is concerned about problems with dirty dirt. Mr. Hanson stated they are talking about biosolids and short paper fiber not dirty dirt. C. Daigle stated that dirty dirt is a separate category. The Board can repeal the special exception as a whole or just for Class A or just Class B biosolids. Mr. Hanson stated that it is not economical or time wise to have to get a special exception every time they want to use Class A soils. The State regulations require extensive reviews of the site and abutters are notified. The town doesn't have to worry about problems because they can issue a cease and desist under the health ordinance. DES will come in an help with any issue. C. Daigle stated that the State has considerable experience and with the two applications that Belmont had they had to rely on the State's expertise.

C. Daigle explained that the petition period is November 9th through December 9th. Mr. Hanson stated that he would work with the Board to submit a petition if that is the direction they want to take.

Mr. Mark Roberts stated that when they tested his soils before he used the biosolids there was twice as much heavy metal in the existing soils than in the biosolids.

W. Peterson wanted to know the advantage of using Class B soil over Class A soils. Mr. Hanson stated that Class A raises the lyme in the soil and Class B doesn't and can be used indefinitely.

STAFF REPORT:

DENNIS DECATO TAX LOT 231-019:

C. Daigle explained that Mr. Dennis Decato wants to put a small addition on the front of his garage between the two overhead doors. The 8' x 12' addition would be used as an entry way and a small office area for people coming to the garage so they do not have to enter directly into the bays. He will be going to the Zoning Board because the addition does not meet setback. The addition will not increase his business or traffic. She wanted to know if this is considered a minor change or does he have to amend his site plan.

P. Harris stated it is a safety issue with the snow that comes off the metal roof. It also would be safer having customers enter through an office instead of directly into the bay.

It was the consensus of the Board that this is a minor change and a site plan is not needed.

HANDOUTS:

The Board received copies of the Law Lecture Series Handouts, “What To Do When They Stop Building?” and “Constitutional Issues in Land Use Regulation”.

ZONING AMENDMENTS:

BIOSOLIDS:

W. Peterson stated that he is concerned about the size of the lots that biosolids could be spread on. If the lots are too small it could affect abutters. P. Harris stated that farming preserves the rural character. W. Peterson stated that he concerned about E. Coli that can be present in Class B soils. C. Daigle stated that they could split the requirements for Class A and Class B. They have not had any inquiries to use Class B soils. The farmers want to Class A biosolids.

BURIALS ON PRIVATE PROPERTY:

C. Daigle explained that State law sets a minimum standard allowing burial grounds on private property. No where in the regulations does it explain what people need to do to establish a burial ground or cemetery. She explained that if someone creates a burial site on their property we want to be able to protect it and keep track of it. Once remains are buried it becomes a burial or memorial site.

The proposal is to add it to Table 1 as an allowed use in the residential single family and rural zones.

DEFINITIONS:

COMMUNITY SEPTIC SYSTEM:

W. Peterson wanted to know what the State uses for the definition of a Community Septic System. R. Ball stated that the State doesn’t define it. C. Daigle stated that manufactured home parks require a community system. R. Ball stated that building some number of small systems is better then one big one because the nitrates plume in a big system. C. Daigle stated if a system fails it is better for two units to be affected instead of fifty.

PET DAY CARE:

C. Daigle explained that the current definition for Veterinary Clinics is “A facility for the boarding of and care and treatment of animals.” Boarding Kennels are included in this definition if they are used for commercial purposes such as the breeding and raising of dogs. The proposed definition is “A facility for the boarding of and care and treatment of animals”. Short and long-term boarding kennels and commercial breeding kennels are included in this definition.

RETAINING WALL:

C. Daigle wanted to clarify that retaining walls over 4’ in height require a building permit but do not

have to meet setbacks.

WIND TURBINES:

C. Daigle explained that the State has some regulation for wind turbines and wanted to know if the Board is interested in adopting a local regulation. There have been some inquiries but no one has made any applications. The Board discussed the fact the Belmont is not an ideal location for wind turbines due to the topo.

DECK WITHIN SETBACK AREA:

C. Daigle explained that a Zoning Board member has questioned if a 4' x 4' deck is large enough for a door to swing open. The current regulations allow a 4' x 4' deck within the setbacks. The Board discussed the fact that a 30" or 36" standard door has enough room to swing open on a 4' x 4' deck. The regulation was designed to allow safe access and not to create a patio for chairs. C. Patten wanted to know if the stairs have to run in a certain direction. C. Daigle stated that the stairs cannot extend more than 6' from the platform or entrance. C. Daigle stated that she originally talked with the Building Official and a 4' x 4' deck is a legal size landing for an exterior door.

GROWTH:

The Board discussed the density allowed in a manufactured home park. Currently it is two units per acre which matches the highest density of any zone. Manufactured home parks are allowed in the residential multi-family and rural zones. The State requires that each town address affordable housing and Belmont does provide their fair share of affordable housing. It was the consensus of the Board to contact counsel.

WETLANDS ORDINANCE:

C. Daigle explained that Belmont initially adopted a prime wetland ordinance. Because of the way it was overlaid on the tax map it was confusing and taxpayers were unnecessarily impacted. The proposal is to repeal "prime wetland candidate". The State considers either it is a prime wetland or it is not. The Wetland Ordinance requires additional setback for a prime wetland candidate instead of regulating them as wetland.

AQUIFER ORDINANCE:

C. Daigle stated that the Tri Town Aquifer Committee has completed their work. Proposed changes to the Aquifer Ordinance would be to acknowledge Municipal well head protection areas and to update the title and area of the "Groundwater Protection District".

In the DES model ordinance under prohibited uses the storage of regulated substances in greater than household quantities (55 gallon) must be stored in a freestanding container within a building or above ground with a secondary containment. Tilton and Northfield regulate it in five gallon amounts. If there is more than five gallons of regulated substantial you have to store it inside or outside in a secondary containment with a roof over it.

C. Daigle stated that storage of commercial fertilizer is prohibited except if it is stored within a structure

designed to prevent the generation and escape of contaminated runoff but there is no definition of commercial fertilizer. P. Harris stated that it doesn't matter if it commercial or not. C. Patten stated that it would be hard to define commercial vs residential and suggested taking the word "commercial" out. Conditional uses spill control is proposed to be regulated by the Code Enforcement Officer.

C. Daigle explained that there is currently no definition of Seasonal Highwater Table and should be added to the ordinance.

The Board will review the proposed changes and discuss them at an upcoming meeting.

ADJOURNMENT:

The Board adjourned at 8:51p.m.

Respectfully submitted,

Elaine M Murphy
Administrative Assistant