

PLANNING BOARD

Monday, April 13, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

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

The chairman opened the meeting at 7p.m.

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted to approve the minutes of the March 23, 2009, meeting as submitted. (3-0-2) J. Pike and G. Flack abstained.

STAFF REPORT:

BELKNAP LANDSCAPING TAX LOT 224-042:

The chairman signed the Site Plan and Notice of Decision for Belknap Landscaping.

ELIZABETH BASCOM TAX LOT 110-006:

The chairman signed the Site Plan and Notice of Decision for the assisted living facility at the former Faith Christian Academy.

G.E. MERRILL & SON, INC. TAX LOTS 242-004,242-008,242-010 & 245-017:

The chairman signed the Notice of Decision for Merrill on Shaker Road.

HUTCHINSON MOTORS TAX LOT 224-038:

C. Daigle explained that an enforcement action letter has been sent to WJK Realty stating that the ground water investigation has not been done and the additional funds for groundwater testing have not been escrowed. The letter will be forwarded to the Town Attorney for enforcement. C. Daigle explained that she has also contacted DES to see if they had any concerns about the high levels of arsenic that have been found in the ground water. DES explained that arsenic is a highly natural occurring contaminate in New Hampshire. Even though the arsenic content is 75% which is very high, it is a surface water test. They suggested that the well be tested to confirm whether it is a natural occurrence

C. Daigle stated that except for the escrow funds and the water research WJK Realty has met all the conditions of their approval. J. Pike disagreed and stated that a condition of the original (Sweeney) application for the sales of cars did not allow washing of cars. Vehicles could not be parked behind the building, the driveway was to remain gravel and the house was to remain a single family house. Mr. Hutchinson bought the property and came back to amend the site plan conditions to allow the driveway to be paved. C. Daigle explained that Mr. Hutchinson also came back after that to allow vehicles to be washed on site. The Fire Chief approved that plan.

J. Pike stated that the arsenic found in the surface water should disappear in four months because it is a result of the chemicals used in cleaning wheels. He stated that the Conservation Commission cautioned the Planning Board about allowing cars to be washed on site because they were concerned about the runoff into the Tioga River. C. Daigle reiterated the fact that the site is in conformance with its approval except for the escrow account and water investigation.

J. Pike went back to the fact that the Fire Department wanted to be able to drive around the entire building everywhere else and if they waived that requirement he wants the minutes that showed that. There are rules and guidelines and people have to be held to them or taken to task. C. Daigle stated that they can ask the Fire Chief what codes he followed. J. Pike stated that he has called the Code Enforcement Officer about the parking behind the building and blocking the access. C. Daigle stated that the Land Use staff works with businesses helping them come into compliance. They turn enforcement issues that cannot be resolved in that manner over to the Code Enforcement Officer.

G. Flack stated that there are some honest people and some that bend the rules. You cannot watch them 24 hours. J. Pike stated that is why we have people in town whose job it is to watch for this. It is not his job as selectman to do it.

NEM TAX LOT 205-056:

J. Pike stated that he has had four businesses in town and feels he has had to meet codes and regulations that others didn't have to meet. He stated that when he went for site plan approval to add a used car and truck service to an existing carwash and reconditioning he was never informed what the Fire Department's requirements were. C. Daigle explained that every applicant get their requirements in writing the day after the meeting. J. Pike stated that he lost 12 weeks waiting to hear back from the Fire Department on what their requirements were. The Fire Department never entered the building to do the inspection. They were researching what was needed but never got back to him. When he applied to the State for his inspection license it was denied by the Town. The license bureau told him that the Town asked them to hold it until he met the conditions of his site plan. No one from the town informed him that he did not meet all his conditions. He was working on those conditions but had to wait for an answer from the Fire Department about what they wanted from him. The Land Use staff should have informed him instead of denying his inspection license. C. Daigle stated that J. Pike knew the conditions of approval. He did receive an approval letter outlining those conditions. J. Pike stated that after three months he stopped by C. Daigle's office and informed her that he was still waiting on the fire department's response. C. Daigle then handed the issue over to Code Enforcement Officer, S. Dalton. J. Pike stated that in the mean time he contacted the State Fire Marshall who visited the site and told him what he needed to pass fire code. S. Dalton came to inspect the site the same day as the Fire Marshall

did. S. Dalton agreed with the State's finding and issued a Certificate of Occupancy/Use. J. Pike stated that he lost 12 weeks of work because of the process.

J. Pike stated that he received a call from Concord stating he did not meet his site plan conditions and his license was denied. He didn't get anything from the town stating that they would not give approval for his license. C. Daigle stated that she had talked to J. Pike and he knew those conditions and he never met those conditions. J. Pike stated that the Fire Department never gave him those conditions. C. Daigle explained that she did not ask the State to deny the license but to hold it until he met the conditions of his approval. C. Daigle stated that the Town Departments have to sign off on the codes and inspections that apply to that particular department. In J. Pike's case the Fire Department and Code Enforcement Officer did not sign off that he met their conditions until after J. Pike had met with the State Fire Marshall. J. Pike stated that he should have received a phone call from the Fire Department on what they required. He stated that as soon as he told C. Daigle that he was waiting on the Fire Department's conditions she passed that information onto S. Dalton who moved the process along.

LAND USE PROCEDURES:

J. Pike stated that he is the only member of the Board of Selectmen in town during the day except on Thursday so people stop by and talk to him about their concerns. The Planning Board is important and they have to make decisions but there has to be follow up on those decisions. The issue is what can we do to make the process user friendly. The process is too hard. The Board gets blamed because the people who over see the conditions of approval don't follow up to make sure the project is on track. G. Flack stated that he has only heard two complaints in five years. J. Pike stated the Board passes the project along to the departments for their review and inspections and there is no follow through and that reflects negatively on the Board. C. Daigle stated that they can't cut the Fire Department out of the process. P. Harris stated that the Board has to review what is in front of them. They grant very few waivers. Staff goes through the steps to help the applicants find the people that can help them.

G. Flack suggested that the Town implement a time line in which departments have to respond to plan reviews. After reviewing plans those departments would have to let the applicants know what the codes and requirements are for that particular project. The State has a time line for project reviews and it works well getting information back to the applicants in a timely fashion. C. Daigle explained that in every approval letter it states that if there are any problems they can contact the Land Use Office. Land Use does not have any authority over the Fire Department or Code Enforcement they are under the Board of Selectmen's jurisdiction.

J. Pike stated that he is looking for someone to follow up on conditions of approval. C. Daigle explained that the problem that J. Pike encountered doesn't exist anymore as the review process has changed. S. Dalton takes care of the Code Enforcement and coordinates the Fire Department review. There is a joint meeting with the Fire Department and Code Enforcement Office that reviews all the plans and they submit their joint recommendations.

J. Pike wanted to know how many days it would take to manage the conditional approval process. C. Daigle stated that she doesn't know because much of it depends on the applicants. There are times when an applicant wants to move ahead with a project and they meet the conditions in a timely fashion. Other

times an applicant is not in a hurry to start the project or is waiting for outside agency permits, so they are not in a hurry to meet the conditions until they are ready to start the project. J. Pike stated he will talk to S. Dalton about the review process. G. Flack stated that if the State can review plans in seven days the town should be able to do it. C. Daigle stated that the approval letter makes it clear applicants should contact her if they run into problems. G. Flack stated that staff is doing a good job and doesn't want the review process of other departments to negatively reflect on the Land Use Department. J. Pike stated that S. Dalton has implemented a computerized building permit system that the town has been paying for the last four years. He can now just press a button and have a building permit print out. He has streamlined the building permit process so he should be able to do the same with the this review process. Something needs to be in place either at the Board of Selectmen's level or the Planning Board level to move the process along. C. Daigle stated that they may be able to set up a tickler date that would follow the application through the process. If S. Dalton is doing a joint letter with the Fire Department it makes sense for S. Dalton to do the follow up. P. Harris stated that the Land Use staff is doing their job. J. Pike stated that if the applicant doesn't get back to the Land Use Department that conditions are met then the project doesn't move forward. There needs to be something in system that triggers the inspections to make sure the process is being followed. Departments that do not get back to the applicants with their recommendations after their review makes the Planning Board look bad. P Harris stated that there is a simple application process in place. J. Pike stated that there needs to be management people whose responsibility is to make sure all the other departments are doing their job in a timely manner. G. Flack reiterated the need to have a time limit for review of plans. J. Pike stated that if projects are in noncompliance then they need to be held accountable. C. Daigle explained that she does not have the authority to enforce violations that is a code enforcement issue.

C. Daigle stated that she hasn't received complaints that plans are not being reviewed by the Fire Department or the Code Enforcement Officer in a timely fashion. When an application is approved it is the applicant's responsibility to meet the conditions. J. Pike stated the Fire Department and the Code Enforcement Officer need to have a time limit for review. C. Daigle stated that different departments do different reviews. J. Pike stated our professional people need to work and review plans and applications in a timely manner. C. Daigle stated that there is nothing to force the applicant to work within a time frame. There are many reasons that an applicant does not move forward on meeting the conditions, it could be financing, the economy, the surveyor, or waiting on other approval.

C. Daigle stated that the only way she could manage a time line for Fire Department and Code Enforcement Officer plan reviews would be that all plans be delivered to the Land Use Office. They would be date stamped and then sent to the appropriate departments. No plans could be dropped off at the Fire Department, Code Enforcement office, Police Department, Highway Department etc because she would not have any idea when the plans were received. She would then have to contact the appropriate department if they have not done the review in a timely manner. J. Pike stated that if the review is not done then it would become a Board of Selectman's issue.

C. Daigle reiterated the fact that the problem J. Pike referred to does not exist anymore because a change in the process has rectified that issue. J. Pike stated that the time line would help the applicant get through the process.

J. Pike wanted the Planning Board to know that the concerns he brought up tonight are not his concerns but are the concerns of the Board of Selectmen.

AQUIFER DISTRICT:

J. Pike wanted to know if a house is in the aquifer protection zone and they want to add a garage will they have to get site plan approval. C. Daigle stated that residential uses are not regulated by the aquifer ordinance. J. Pike wanted to know if a commercial use wanted an addition would they have to go before the Board. C. Daigle stated that it would depend on the size of the addition. If it is a minor addition the Board can allow it as a minor change and no application process would be required. If not a site plan application would be necessary.

JUNKYARD:

J. Pike wanted to know if a junkyard on Prescott Hill would be allowed to expand. C. Daigle stated that junkyards are not a permitted use in the commercial zone. Expanding an existing one on the same lot would require a special exception. Moving it to another lot would require a variance.

JOINT MEETING:

C. Daigle explained that the chairman has suggested that the Planning Board host their annual joint meeting with the Town Boards and the School Board. P. Harris stated that it is a good time for all new members of the different Boards to meet and discuss upcoming agendas and projects. It was the consensus of the Board to hold the joint meeting at the May 11th worksession. J. Pike noted that the Board of Selectmen prefers earlier meetings so the Board agreed to start the joint meeting at 6:00 PM.

EARTH EXCAVATION MEETING:

C. Daigle stated that staff met with excavators to go over the proposed earth excavation amendments. The meeting was successful and they came up with sixteen changes to the draft. Most changes are only minor in nature. The one change that still needs clarification is the difference between an approving and disapproving abutter. That question has been forwarded to the Local Government Center and staff is waiting to hear back from them.

CHECKLIST:

C. Patten had a question about the checklist that is used for site plan review. C. Daigle explained that it is a tool that staff uses to make sure an application is complete before going before the Board. Applicants can use the checklist to make sure that they are submitting all information needed for a complete application. Some of the engineers find it helpful and submit it with their applications and others do not use it. It is up to the individual whether they use it or not. She also noted that not all the questions apply to all the applications. C. Patten noted that the checklist works because most applications can get a decision the night of the meeting because they have all their paper work in.

MEMBERSHIP:

It was the consensus of the Board to ask R. Caldwell to rejoin the Planning Board as an alternate. They instructed staff to contact R. Caldwell and invite him back to the Board.

NEWS RELEASES:

J. Pike stated that the Land Use Department needs to promote the positive things that the department is doing. He suggested that they put pictures in the paper when the Land Use Technician/Town Planner are in the field working on the Pleasant Valley project or when working on the sidewalk projects. He also suggested that articles be put in the newspaper showing the positive projects the Land Use Department are working on. C. Daigle stated that in the past she had written monthly news letters to the editor and she had been asked by the then selectmen not to do that anymore. She does not feel that it is right to promote the staff's participation but will promote the Board's work.

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by G. Flack, it was voted unanimously to adjourn at 9:00p.m. (5-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant