

## PLANNING BOARD

Monday, February 28, 2005  
Belmont Corner Meeting House  
Belmont, New Hampshire

Members Present: Chairman P. Harris; J. Pike, G. Flack, W. Peterson and R. Caldwell.  
Members Absent: C. Patten and J. Marden.  
Alternates Present: C. Gilbert.  
Alternates Absent: C. Shibles.  
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7:00 p.m. and appointed C. Gilbert as a voting member for tonight's meeting.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – ROLAND BLANCHETTE:** Request for a Boundary Line Adjustment approval to transfer 1.56 acres from tax lot 226-002-001 to tax lot 226-002. Property is located at 620 Province Road, in the "R" Zone. PB # 0105.

Mr. Bryan Bailey presented the application. Mr. & Mrs. Blanchette were also present.

Mr. Bailey explained that the Blanchettes own two tracts of land on Province Road south of Rogers Road. Their home is on the front property. They purchased a separate piece of land 12.25 acres in size southwest of the old wood road and southeast of the stonewall. There is only one tax number for both lots but they are two separate distinctive lots. The back lot is 12.25 acres not 10 acres. The Blanchettes want to transfer 1.56 acres from lot 2 to lot 1. The 1.56 acres is on two sides of the house lot. The road is a private driveway accessing the apartment on the back lot. The back lot is nonconforming because it has less than the required frontage and the front lot is nonconforming because of the acreage. The boundary line adjustment keeps the back lot frontage the same and increases the size of the front lot making it less nonconforming. The new lot line will be the center of the brook.

J. Pike wanted to know if this is a boundary line adjustment or a subdivision. C. Daigle explained that they are not creating any new lots just moving the boundary line between two separate lots. P. Harris wanted to know why they didn't make the front lot conforming because they would only have to add .25 acre to make it conforming. Mr. Bailey explained that the brook is a natural dividing line making the lot a little shy of 3 acres.

**MOTION:** G. Flack moved that the application be accepted as complete for the purpose of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this

proposal shall occur by May 4, 2005, subject to extension or waiver.

The motion was seconded by J. Pike and carried. (6-0)

Mr. Andrew Morse, an abutter, stated that he has no objections. The plan makes sense. Mr. Elson Moody stated that he is concerned about the amount of building going on and if it continues they will need a new highschool. P. Harris explained that this is an existing house not a new one they are just adjusting the lot size.

J. Pike wanted to know if this is to correct an assessment error how many years has it been incorrect. C. Daigle explained that Belmont is not a merger town but years ago properties were combined for assessing purposes but they were still separate lots.

Mr. Morse wanted to know how many acres the apartment building would be on. Mr. Bailey stated that the back lot would be 10.75 acres. Mr. Morse stated that his only concern is the fact that the apartments are up for sale and if someone bought them would the land be able to be put in current use. Mr. Bailey stated that the land would fall below the current use criteria because they would have to take out the apartment building and the road leaving less than 10 acres. R. Ball stated that the lot is not in current use now.

The chairman asked if anyone in the audience had any questions or comments. There being none, he closed the public hearing.

### **BOARD'S ACTION – ROLAND BLANCHETTE:**

**MOTION:** G. Flack moved that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

Conditions to be complied with or secured (as appropriate) prior to plan being signed and decision recorded. No site improvements or approved uses shall commence and no building permit shall be issued

until plan is signed and decision recorded.

1. Submission of final plans:
  - a. Submit 2 mylars and 6 paper plans.
  - b. All pins to be set and so certified on final plan.
  - c. Number apartment house lot as 226/002/001/000 and the single-family residence lot as 222/002/000/000.
  - d. Note: Shady Oak Lane is a private way and its placement on the plan is not intended to be a dedication for public use.
  - e. Indicate number of apartments.
2. Site photos.
3. Payment of decision recording fee.
4. Compliance hearing shall be held by Board as necessary.

General conditions to be complied with subsequent to plan being signed and decision recorded.

5. No changes shall be made to the approved plans unless application is made in writing to the Town.
6. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by J. Pike and carried. (6-0)

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – BROADWAY STEEL LLC:** Request to amend conditions of previous Site Plan approval to modify parking lot and allow outside storage. Property is located at 19 Field Lane, Tax Lot 245-006 in the “I” Zone. PB # 0205.

Mr. Bryan Bailey and Mr. Joe Pepe presented the application.

Mr. Bailey explained that he is doing a site plan amendment for the property owned by Kenneth J. & Christine Nicholls Family Trust. The tract is a developed site at the end of Field Lane. There is an existing block building, which was previously occupied by Kenic Tool and is now occupied by Mr. Pepe, DBA Broadway Steel. They are amending an existing 1995 site plan developed for Kenic Tool. There is a parking lot on the south side of the building with head in parking as well as parking in the front. In 2003 Mr. Pepe rented the building and moved his steel fabrication business in. This is an industrial use in an industrial zone. The nature of the business requires heavy steel and raw materials that come and go from the site. All the fabrication is done inside with storage outside the building. Mr. Bailey acknowledges that there are unauthorized vehicles as well as outside storage on site that are not allowed. He hopes to amend the existing site plan to allow outside storage. Without outside storage Mr. Pepe would have restrictions placed on him that would not allow him to operate the business properly. Steel fabrication is an exception but is an industrial use. The amendment to the site plan being temporary would protect Mr. Nicholls use of the building if Mr. Pepe should ever leave that is the reason they want to use the original site plan. The existing condition plan confirms the condition of the building, the front parking lot and that the grade is in conformance with the site plan. When he did the existing conditions plan he found and located on the plan the exterior storage area and the u shaped steel racks. The areas around those structures have been identified. Mr. Pepe explained that the way he uses the racks works for business. He still has one truck and trailer that will be removed from the site. Belmont Repairs will remove the truck when the engine comes in. Mr. Bailey stated that Mr. Pepe is taking care of these things. He labeled the area where the steel racks and material are as storage area. The area behind the building is labeled because there are pallets, scraps and steel barrels out there. He labeled a 50' x 50' grass area as miscellaneous outside storage and another 20' x 60' large area along the parking lot as outside storage. Another area on paved surface beside the enclosed dumpster is the staging area for the completed fabrication work. Tractor-trailers pick up the fabrication work with a forklift. There is no onsite maneuvering of tractor-trailer. They have to back onto the site from the road. There are no changes to exterior façade of the building. There is another business, Advanced Technology, 100' from the property line. The outside use is shielded from abutters. This is an industrial use and with modifications to the existing site plan it will bring Mr. Pepe into compliance.

Mr. Bailey submitted waivers for a lighting plan, utilities & fire protection plan, landscaping plan and a

quality assurance program. He stated that all those plans were submitted for the initial site plan are in conformance with that plan. There are no physical changes to the building or the parking. There are fewer employees than originally planned so there is no need for all the parking. C. Daigle stated that they were already submitted for the original site plan and if they are in compliance with the existing conditions she support the waivers. R. Caldwell stated that by looking at the pictures he does not know how the landscaping can be in compliance. Mr. Pepe stated that the landscaping has not changed since he has been there. R. Caldwell stated there is steel, trucks and trailers on the land. C. Daigle stated that what is occurring on the land are violations but does not have to do with landscaping plan. J. Pike stated that the storage of vehicles is a preexisting violation and it continues to exist. He stated that Mr. Pepe came before the Board for a dealer's license and was told to clean up the storage area and vehicles and he still hasn't done that. Mr. Bailey agreed that the outside storage is not part of the original site plan but that is why they are asking to have it amended. J. Pike stated that it is a misuse of the land and wanted to know how they could enforce the violations and have them corrected. C. Daigle explained that enforcement is the Board of Selectmen's jurisdiction. C. Daigle explained that by having him before the Board tonight for the site plan amendment is a way to bring him into compliance. He has not been in compliance since the first day he started business on site because he never received a Certificate of Use. Mr. Pepe stated that he talked to the realtor when he was looking to rent the space and they told him it was an allowed use and he could move right in. P. Harris stated that the outdoor storage must be addressed. His concern with the landscaping plan is where they put the snow. Mr. Pepe stated that there is a place to put the snow. P. Harris also had concerns about fire protection. C. Daigle stated that there were no comments or concerns from the fire department. Mr. Bailey stated that they would work on landscaping and screening to bring the site into compliance. His intention was not to reinvent the landscaping plan. C. Daigle stated that the application would not now be complete because of these issues. J. Pike stated that the tenant is here tonight with this proposal but isn't the property owner responsible for what is occurring on the property. C. Daigle stated that the property owner is responsible but has given his authorization for Mr. Pepe and Mr. Bailey to present this application. J. Pike is concerned with the steel racks being on the traveled way and the possibility of them tipping over if the frost moves them. Mr. Pepe explained that they are on gravel and they have never tipped over. The heavy material sits on the bottom of the rack and the lighter material on top so they can't tip. C. Daigle stated they should be on impervious surface to protect the greenspace and landscaping. Mr. Pepe stated that the racks are sitting 3' from asphalt so there is enough turnaround space and in the spring he will put them on a concrete slab where they are now instead of having them on the grass. The lumber in the back of the building can be moved somewhere else. Mr. Bailey agreed that the application is incomplete but the applicant wanted it submitted so he could get information on what needs to be done. Mr. Pepe stated that he could put up a fence or shrubs he just needs to know what the Board is looking for. Snowmobilers use the back of the lot so he doesn't plan to fence in that area. The Board wanted to know about the lighting. Mr. Pepe stated that he has motion lights on the building. C. Daigle stated that Mr. Pepe has been served papers for the violations and is trying to come into compliance. R. Caldwell wanted to know how long they have to come into compliance.

**MOTION:** G. Flack moved to grant the following waivers:

1. Lighting plan.
2. Utilities & Fire Protection plan.

The motion was seconded by J. Pike and carried. (6-0)

**MOTION:** W. Peterson moved to deny the following waivers:

1. Landscaping plan as it does not show the screening and buffering for outside storage.
2. Quality Assurance Program as the original one was done when the building was built and now new construction including pads and fencing is being suggested.

The motion was seconded by R. Caldwell and carried. (6-0)

Mr. Bailey agreed to having the quality assurance plan done as part of the conditions of approval. The landscaping plan will include buffers for the outside storage. The steel racks will be on asphalt or 6' x 8' concrete pads. There will be five 6' x 8' pads with fencing around them and the storage area behind the building will be smaller. The snowmobile trail will not be fenced in. The dumpster area will be larger and completely screened in. C. Daigle wanted to know if the storage racks have access from both sides. Mr. Bailey stated that they are only accessed on one side. C. Daigle wanted to know how the storage areas would be delineated. Mr. Bailey stated that storage in the back of the building will be fenced. The one on the side of the building will have striping on the pavement. It is not necessary for full concrete pad, the striping will be adequate to keep the storage in a contained area. C. Daigle had concerns about the wintertime when the striping will be covered with snow. She wanted Mr. Bailey and Mr. Pepe aware of the proposed petitioned aquifer amendment that if it passes would limit impervious surface to 10% lot coverage. Mr. Bailey stated that he is aware of it and will not be working on this site plan until after the elections. He also stated that they could compact gravel for the pad instead of having a concrete pad for the racks.

The chairman allowed input from abutters at this time.

Atty. Scott McGuffin, representing Advanced Power Technology, stated that his clients about the property. They work as military subcontractors and their clients come from Europe and Washington and the abutting property outside appearance is not very pleasing. He stated that he sent the Board a letter on August 11, 2003, and his concerns are still the same. He respects the importance of the iron fabrication business but the aesthetics are not very pleasing. His company is concerned because of the type of clients they have and having to look at this site as they visit their operations. He also stated that as the owner Mr. Nicholls is responsible for the property.

P. Harris stated that due to the physical restraints of the site it was not intended having tractor- trailers coming and going. Mr. Bailey stated that if the Board feels the use is not appropriate for this site they need to let the applicant know so he will not expend any more money and can start looking for a new site. P. Harris stated that the Board cannot make that decision until the applicant comes back to them with a completed application. W. Peterson suggested that the applicant pay attention to screening.

R. Caldwell wanted to know what miscellaneous storage is. C. Daigle wanted to know if there are any cars left on site at night and if they are related to the business. Mr. Pepe stated there are four vehicles parked in the designated parking area. The trucks are related to the business and are gone during the day. The storage trailer is filled with equipment and will be removed within 3-4 weeks. There will be no storage trailers on site. Crowley Trucking will bring trailers on site for loading but they will be removed as soon as they are loaded which usually takes one or two days.

The Board suggested that Mr. Nicholls attend the next meeting as he is the property owner. Mr. Bailey stated he would pass that onto him. C. Daigle stated that Mr. Nicholls gave Mr. Bailey & Mr. Pepe written authority to proceed with this application.

**BOARD'S ACTION – BROADWAY STEEL LLC:**

**MOTION:** J. Pike moved that the application is not complete for the following reasons:

1. Quality Assurance Program was not submitted.
  2. Landscape plan was not submitted.
- The application is Tabled until March 28, 2005 at 7 P.M.

The motion was seconded by W. Peterson and carried. (6-0)

**OTHER BUSINESS:**

**BOARD'S ACTION-MINUTES:**

**MOTION:** On a motion by P. Harris, seconded by R. Caldwell, it was voted to approve the minutes of the February 14, 2005, meeting as submitted. (3-0-3) W. Peterson, C. Gilbert and J. Pike abstained.

**STAFF REPORT:**

**A. PETITION:**

C. Daigle informed the Board that they received a protest petition against the Petition Aquifer Amendment. A 2/3 vote is now required for the Aquifer Amendment to pass.

**B. AGENDAS:**

The Board received copies of the Laconia, Canterbury and Gilford Planning Board agendas. It was the consensus of the Board to have the agendas emailed to them.

**C. REAL ESTATE LISTINGS:**

C. Daigle provided the Board with a copy of the memo she received from the Town Administrator along with the real estate listing from Coldwell Bankers. The Town Administrator stated that the listing supports Mr. Mooney's view that the sales market is slowing down. C. Daigle stated that she has talked to the Town Assessing Administer and there has been 80 property transfers in Belmont since December. The real estate sales in Mr. Mooney 's sales range may be down but that may be due to the price range. The real estate sales are still quite active overall.

**D. CONTRACT:**

The Board signed E. Murphy's contract.

**E. WORKSESSION:**

It was the consensus of the Board to allow applications to be placed on the April worksession agenda if necessary due to the number of applications. Staff will make that determination based on the number of applications received by the closing date.

**ADJOURNMENT:**

**MOTION:** On a motion by J. Pike, seconded by R. Caldwell, it was voted unanimously to adjourn at 9:05p.m.  
(6-0)

Respectfully submitted,

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Elaine M Murphy  
Administrative Assistant