

PLANNING BOARD

Meeting

September 13, 2004, 7p.m.

Corner Meeting House

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

The chairman opened the meeting at 7pm and appointed C. Gilbert as a voting member for the evening.

Public Hearing – Proposed Capital Improvements Program 2005-2010:

P. Harris explained that the Capital Improvement Program (CIP) Committee has been working on developing an updated 6 year plan. They have made their recommendations to the Planning Board who scheduled tonight's public hearing. Once the Plan is adopted it will be forwarded to the Board of Selectmen and the Budget Committee for consideration for the 2005 budget season.

The CIP Committee worked closely with Department Heads in developing their final recommendation, they anticipate that there will be modifications each year. Modifications might occur because of changes in requests from Department Heads, final recommendations of the Selectmen and/or Budget Committee, or based on actual Town Meeting action. The CIP process is a valuable tool in making long-range financial decisions for the community.

C. Daigle explained that in 1986 the voters authorized the Planning Board to prepare and amend a CIP. The most recent one was adopted in 2001. It must be tied to the goals and objectives of our Master Plan. Upon the adoption of the 2002 Master Plan they needed to formulate a new CIP. Its sole purpose is to aid the Board of Selectmen and Budget Committee in their consideration of the annual budget placed before the voters at Town Meeting. The CIP prioritizes projects and includes recommended funding options. The program is based on information submitted by departments and agencies of the Town and takes into account projected growth. The CIP is not a "budget" but a management tool by which the Community schedules capital expense. The real value of the CIP is the process that annually requires the community to reestimate, reprioritize and set a new time table to fulfill future capital needs.

In September 2003 the Planning Board contracted with LRPC to work on the CIP. The Planning Board and BOS then sent letters to the department heads explaining the CIP and how funding is requested. The CIP Committee was then formed. They worked with Town's fiscal agents to compile

historic cost and revenue data (1994-2003) and developed a schedule of future estimated revenues & expenditures (6 years). They worked with Town Officials to compile project requests (2005 –2010).

The CIP Committee held several meeting to review historic and projected funding data, historic and projected demographic information and to review project funding requests, including long-range (20yrs) funding for the Fire Department and Public Work Department including roads. They evaluated funding alternatives and determined the projected annual Capital funding target amount.

Funding Requests are broken down into 3 categories: projects with a projected cost that will impact the tax, projects that will impact the rate, but for which costs have not yet been established, and projects that will not impact the rate.

The CIP will annually confirm prior year's financial data with audit results, update demographics, consider adjustments to the funding schedule for projects where the funding or the proposal are added, deleted or changed and will continue to work towards a common definition for capital items for both the CIP and budgeting process.

A definition of a CIP project is one that is in excess of \$10,000 and has a lifetime of more than one year. There are 41 capital projects, 10 existing/ongoing and 31 new ones.

P. Harris thanked the CIP Committee, LRPC and the Planning Board for all their work putting together this document. It is like a budget for the future. The CIP follows the Master Plan and balances expenses at a level that can meet the needs and safety of the community. The Master Plan and CIP goal is to keep Belmont the way residents want.

Mr. George Condodemetraky stated that the sewer and water department are separate entities and there is a budget item to do a feasibility study for them. If there is no plan to extend the water and sewer why do a feasibility study? C. Daigle explained that it is part of economic development and is needed in order for the Planning Board to determine where the best area for development would be. The Board of Selectmen requested the study to see where water and sewer can expand.

Ms. Linda Frawley stated that economic development is good news. She stated that 5.2 & 5.3 is a list of projects that will have an impact on tax rate. The figures add up to a big amount over the next five years. Belmont is 25% seniors some of which are on fixed income. The average income is under \$15,000 and this is a lot for them to support over five years. P. Harris explained that the voters have the final say on the budget. The CIP is a tool to help with budgeting for future needs.

Mr. Ray Carbone wanted a break down of the projects and why they are needed. He wanted to know about the Community Center. Town Administrator, Don McLelland explained that the previous BOS considered the possibility of a Community Center and they feel it should be put in the CIP as a future project. There is no current proposal for it, they are just planning for the future. Selectman, Brian Watterson, wanted to know where the figures to build the center came from? Mr. McLelland explained that it is just an estimate and the center would have to work within the final budget. J. Pike explained that they are not saying that the money is going to be spent but they are planning for the future and the possible needs of the town. To comply with State law they need to have a CIP. They went to the Department Heads and asked them what is necessary or needed for the next six years. The people deserve a plan on where they are going and how to handle the expense. C. Daigle explained that the Community Center is on the list of projects with cost to be determined. P. Harris stated that they need to save and budget for the future. Mr. George Condodemetraky had concerns that people will think the

dollar amounts presented tonight are what is adopted not the CIP. J. Pike stated that it is tool and all funding still needs to go through the budget process and then to the voters for final approval.

Ms. Frawley stated that the top goal of the last three Master Plans was to maintain the rural character of Belmont. She wanted to know if the Planning Board has worked on Impact Fees to share the burden of growth. P. Harris explained that they have had discussions on putting fees in place but the Board hasn't made a decision. They have to weigh the pro and cons of the having Impact Fees. How is the money going to be managed, the administration costs, and monitoring when and if the money has to be returned if the project is not completed in the 6 year time frame.

Mr. Cabone wanted to discuss the larger items that the departments are requesting such as the Town Beach, Town Offices, Police and Fire Department. P. Harris explained that these are beginning figures. Mr. McLelland explained that the beach project is to relocate the beach to a less rocky area on the same site. P. Harris explained the voters have the final say on what is expended and what projects get done. He used the example of trying to purchase the house next to Town Hall. It was not supported and the project did not go forward. Renovations and repair costs to the existing Town Hall came from locate contractors. Police Chief Baiocchetti explained he is requesting a feasibility study to get an objective opinion of the need for a new police station. He explained that the current station was a fire station and they have outgrown the facility. There are working issues within the building. Mr. McLelland explained that there had been considerable talk about a complex for the Police Department and the Town Hall or the SAU and the Town Hall. Those were some past ideas when research was being done. Ms. Phyllis Graham wanted to know why the Mill cannot be used for those purposes. Mr. McLelland explained that when they received the bond and grant for the Mill there were stipulations on who could be tenants. The regulations stipulated that for 10 years the tenants had to provide services for low income people, that is why it cannot be used as a municipal complex at this time. Ms. Graham wanted to know the amount of the bond. Mr. McLelland stated that it was close to million dollars and should be paid off in 4 years. Then the building could be considered. Mrs. Judy Pilliod stated that every year the State ruins the cemetery along Rte 107 should something be included in the CIP to help pay for the repairs or does the State have to pay for it. C. Daigle explained that the Cemetery Trustees are working with the State to resolve that issue. Fire Chief Siegel explained that the Fire Department's feasible study is to assess the need for a small two bay Fire Station on Province Road. Rte 3 is covered in part by the Winnisquam Station, the central station covers the village area and the Province Road area has the longest response time.

Mr. Cal Dunn stated that he is not sure where figures are coming from. P. Harris explained the Department Heads are trying to come up with the best figures looking six or more years into the future. Mr. Dunn stated that the beach was done for \$86,000 and the relocation would be over \$300,000. Mr. McLelland state that part of the beach may have been \$86,000 but preparation of the site and additional work cost around \$300,000. C. Daigle explained that these items are in the cost to be determined appendix. The projects are not authorized to go forward but are used for general budgeting process. This isn't a budget it is budget management tool. The budget still has to go to the BOS, Budget Committee and the voters for approval. C. Daigle explained that adding the projects up is an artificial number because you have to take into consideration all the funds from Comstar, the Conservation funds and money already in budget. The budgets will fluxuate from year to year. She explained that you cannot apply both Impact Fees and Growth Management to the same development. Impact Fees are a tool to help pay for growth. They also will not supply all the money necessary to provide services. Other types of regulation may be more effective to slow growth.

Mr. Condodemetraky explained the budget process that when a million dollars is appropriated it does not come out all at once it is through a bond and does not have a major impact. A large portion of the tax rate is the school portion.

Mr. Condodemetraky noted that the recycling center was not one of the CIP projects and he would like to see it included. C. Daigle explained that it was not presented to the CIP Committee. She will get the funding form to Mr. Condodemetraky to present to the Recycling Committee to be considered at the next update.

Mr. Elson Moody wants to include Winnisquam in tonight's discussion. He wanted to know if the Town has a professional analysts review the books. C. Daigle explained the finance are audited every year in the spring. Mr. Moody suggested that the Water and tax bills be sent out together four times a years this would help people keep current with their taxes. He also suggested that the Town puts that money in a bank and use it for expenses instead of borrowing money.

C. Daigle explained that there are two editing changes that need to be made to the CIP. The first is on page 5 the 5th paragraph should be 2003 not 2001 and on page 7 the increase in population should be 1200 not 1700.

J. Pike recommends that the CIP look at a Recycling project for the 2005 budget funding request. J. Marden stated that there have been two Town Hall study reports that were given to BOS. One was for the roof repair for \$90,000 and one for the roof replacement \$150,000 and they should be included. He also stated that in order to preserve open space the Conservation Commission needs more than \$10,000. They have done a lot of work and \$10,000 doesn't go far. C. Daigle stated that the Commission can request those funds. J. Marden noted that there was nothing from the Recreation Commission or BRATT. C. Daigle stated that BRATT has already submitted a request and Park & Recreation also for the next round of funding. C. Daigle addressed J. Marden's concern about the Town Hall roof by explaining that the BOS budgets government buildings and they haven't submitted their 2005 request yet. J. Marden stated that he doesn't think it is in the 2005 BOS budget request. It is a 5 year plan and everything should be included. C. Daigle explained that the CIP will be amended each year an items can be added.

There being no further question or comment, the chairman closed the public hearing.

BOARD'S ACTION - PROPOSED CAPITAL IMPROVEMENTS PROGRAM 2005-2010:

MOTION: J. Pike moved to adopt the CIP as written on July 6, 2004 with the Recycling Center included for consideration in 2005 update.

The motion was seconded by C. Patten and carried (5-1). J. Marden opposed.

Public Hearing - Town of Belmont: Request for Site Plan approval for a Community Park and Ride and future parking access to the Town Forest. Property is located on Laconia Road, Tax Lot 237-020 in the "C" Zone. PB # 1804

C. Daigle explained that in 2004 the Town Meeting funded the construction of a public parking area with signage on Laconia Road. The vacant lot formerly housed a gasoline station. The station was demolished but the tanks were not. Under an agreement between the Town and the State of NH, the Town took the property for back taxes in 2001 for use as a parking area and access to the Town Forest.

The State assumed the responsibility for funding the initial cleanup and monitoring. Initial cleanup has occurred and monitoring wells installed. Monitoring of the wells will continue.

The lot will be open for use as a Park & Ride and also for use as a secondary access to the Town Forest once the Conservation Commission is ready for it. There will also be a sign, which can be used to advertise municipal notices. The lot will be lit.

The Town contracted with Steve Smith & Associates who located wetlands adjacent to the property. Their engineer, Mr. Bill Stack, designed the lot to address concerns such as lighting, stormwater management and access. Construction will require minimal recontouring. The existing two curbcuts will be reduced to one to increase safety onto Laconia Road.

J. Pike stated that wheelchair access would be hard on a gravel surface. He wanted to know if the parking lot would be lit and what would happen to vehicles that were left there for an undesirable amount of time. C. Daigle stated that enforcement would be through the BOS. Ms. Graham wanted to know who would be liable for an accident. C. Daigle stated that it would be covered under the Town's insurance. Bob Bennett, Public Works Director, explained that the remaining concrete island will be removed. Everything else is below grade. Mr. McLelland explained that pipes would be capped and be below ground and monitored three times a year. J. Pike wanted to know who would do the waste pick up. B. Bennett stated it would be part of Public Work Department job. J. Marden wanted to know about the grass lined swale adjacent to the proposed walkway, will the Conservation Commission have to cross it. R. Ball explained that they will need a culvert or bridge to cross it. J. Marden wanted to know if the parking area would be curbed. R. Ball stated that it will not be because it is designed for sheet draining.

Mr. Mike Fedorczyk, and abutter, had concerns about the lighting. R. Ball stated that the lighting would shine down with no off site intrusion. The lights are 16' high. Mr. Fedorczyk wanted to know if there would be any fencing, shrub or treeline. R. Ball explained that the existing tree line will remain. Mr. Fedorczyk doesn't want any noise or to see any commercial vehicles allowed there. C. Daigle stated that the one way access and turning radius is not conducive to big trucks. She will pass his concerns on to Town Officials. Staff will go out on site with him to address his concerns. Mr. Fedorczyk also stated that he would like the speed limit lowered. C. Daigle explained that he needs to talk to Division 3 as it is a State Highway.

There being no further question or comment, the chairman closed the public hearing.

Public Hearing – Hang Time Sports, L.L.C.: Continuation of a request for Site Plan approval to construct a 250' x 120' indoor recreational building. Property is located on Higgins Drive, Tax Lot 241-008 in the "I" Zone. PB #1204

Mr. Bryan Bailey, Mr. Tom Selling and Mr. Matthew Roy presented the application.

Mr. Bailey explained that he has made the corrections to the site plan requested at the last public hearing. The lighting is shown on plan. The landscaping that originally was shown as a burning bush has been changed to an american cranberry bush. The emergency access way and emergency entrances will be paved up to the building. The dumpster is on a concrete pad and fencing will be installed. They are waiting for the final review from DOT about the traffic impact from Higgins Road onto Rte 106. They don't anticipate any problem with it because they have met with DOT and if there are more than 50 vehicles an hour then the entrance would have to be upgraded and their worst scenario would be 39 trips. J. Marden wanted to know how many people the building holds. Mr. Roy stated it designed for 300

people. They anticipate 40-45 people per 3-hour session on weekday and 70 per 3-hour session on weekends. They also anticipate that there will be three persons per car. The parking is designed for 300 people with 4 people per car.

Mr. Selling explained the changes to the Storm Water Management Plan by stating that the swales will be connected. J. Marden wanted to know if the asphalt was taken into account with the storm water management. Mr. Selling explained that the roof is tipped in a northerly direction and runoff will drain into the northerly swale.

J. Pike still has concerns about the dumpster location because the average dumpster truck is 36' long. He also had concerns about snow storage. Mr. Bailey explained that it would be on the east and south of the westerly parking lot.

Mr. Roy explained that the Zero Tolerance policy would be part of the narrative. This is an indoor only recreational facility.

Mr. Bailey explained that they are requesting a waiver for additional soils information as the property is serviced by municipal sewer and water.

Mr. Cal Dunn, an abutter, wanted to know how they are going to handle pedestrian traffic as there are no sidewalks or crosswalks. There are two gravel operations with heavy equipment that use the break down lane while trying to get up to speed and this is a safety concern if pedestrians are using it. Mr. Roy explained that parents/guardians have to sign a waiver to allow a child to enter the facility. The foot traffic would be skater between 13-18 years old who would either have a vehicle or get a ride from others who do. GLTA will also offer a drop off service to the facility. Mr. Dunn stated that he is not convinced that a waiver would stop people from walking to the facility. The locals will still walk. P. Harris stated that State law prevents pedestrians from walking on Rte 106. The baseball field is on Rte 106 and there hasn't been any problems with that situation. Mr. Roy suggested having the speed limit lowered. Mr. Dunn stated that it is 55 MPH till Concord Street. J. Marden stated that it is 40 MPH across from post office. Mr. Dunn stated that he has serious concerns about safety because this is an industrial area. J. Pike stated that the break down lane is not a travel lane for the highway it is for pedestrians and breakdowns. Mr. Dunn suggested putting in a crosswalk. J. Marden agreed that a crosswalk would get pedestrian to cross in one area. Mr. Bailey stated that the drop off policy is a better solution than encouraging pedestrians. Mr. Selling stated putting a crosswalk on a road with high speeds is inviting an unnecessary safety hazard.

There being no further question or comment, the chairman closed the public hearing.

BOARD'S ACTION - HANG TIME SPORTS, L.L.C.:

MOTION: On a motion by J. Marden, seconded by J. Pike, it was voted unanimously to grant the waiver for submitting required additional soils info. (6-0)

MOTION: C. Patten 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 (4-full sets, 2 site plan only – all paper)
 - a. Add Laconia Rd to Rte 106 designation.
 - b. Show/Set property bounds.
 - c. Correct abutters name/address on 241/13.
 - d. Plans to be appropriately stamped/signed.
 - e. Add note that no hazardous materials that could contaminate the aquifer shall be produced or stored on the site and that all management practices shall be implemented to prevent any groundwater contamination.
 - f. All exterior doors to access onto impervious surface and to be maintained for safety purposes.
 - g. Dumpster note to include fencing.
2. Submit revised narrative to include applicable items listed in, and similar to those specified in Regs for narrative (Hours of operation during construction, method of restricting skating outside of building, is “active and substantial development” to vest approval intended to be the list included in the Engineer’s Schedule?, will there be a “zero tolerance policy”, employee training, floor surface, interior air quality measures, pedestrian traffic from off-site, etc.).
3. NH DES Site Specific & NH DOT Higgins Drive traffic increase approval.
4. Town Driveway permit.
5. Municipal water & sewer permits. Water line to be 6” minimum.
6. Full building construction plans meeting all applicable codes. Shall include fire alarm system, KNOX box and kitchen fire suppression as applicable.
7. Establish escrow account for closure in case of abandonment.
8. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
9. Compliance hearing shall be held by Board as necessary.

Construction conditions to be complied with once plan has been signed and decision recorded:

10. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
11. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
12. As-built plans required prior to occupancy.

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

13. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
14. All exterior lighting shall be shielded from abutters and traffic.
15. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
16. No changes shall be made to the approved plans unless application is made in writing to the Town.
17. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
18. Approval is subject to expiration, revocation and changes in the Ordinances.

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

Mr. Dunn wanted it noted that he feels this use in this area is creating a safety hazard for pedestrians.

Public Hearing – James Jalbert & Denise Bonfiglio: Continuation of a request for Boundary Line Adjustment approval to transfer 46,146 sf from tax lot 120-007 to 120-009. Property is located at 99 & 103 Gardners Grove Road, in the “RS” Zone. PB # 1404

Mr. James Jalbert presented the application.

Mr. Jalbert explained that corrections have been made to the plan. He is requesting a waiver for the 4:1 lot configuration ratio, ID existing utilities, wells and driveways on-site and w/in 100’ and topography because there is no new construction or new lots being created. J. Pike wanted to know if the setbacks were suppose to be on the plan. C. Daigle explained that it was the building footprint that needed to be marked not the structure setbacks.

There being no further question or comment, the chairman closed the public hearing.

BOARD’S ACTION - JAMES JALBERT & DENISE BONFIGLIO:

MOTION: On a motion by J. Marden, seconded by C. Gilbert, it was voted unanimously to grant the following waivers. (6-0)

- a. New lot 120/9 will exceed allowable 4:1 lot configuration ratio
- b. ID existing utilities
- c. Wells and driveways on-site and w/in 100’
- d. Topography

MOTION: J. Pike 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. Final plans will not be recorded until transferring deed has been approved by the Town and is also signed and ready for recording.
2. Submission of final plans (2 mylars & 6 prints):
3. Payment of plan 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 C. Patten and carried unanimously (6-0)

Plan Submission Meeting and Public Hearing – Pike Industries, Inc.: Request for Site Plan approval to

construct a scalehouse & office building. Property is located on 308 Depot Street, Tax Lot 235-058 in the "I" Zone. PB # 1604

Mr. Larry Major and Mr. Jeff Cloutier presented the application.

Mr. Major explained that they want to construct a Scalehouse with offices at 308 Depot Street. The driveway will be paved with additional pavement in front of the scalehouse and parking lot. They have received septic approval. There will be a well outside the scalehouse. The current entrance is closer to the village than the new one.

J. Pike wanted to know if there would be offices in the scalehouse. Mr. Major stated there would be. J. Marden wanted to know if they would be discontinuing the existing scalehouse. Mr. Major stated that it would be phased out as a scalehouse in the future but there are no plans to do that now. They will keep the structure. They have a DOT driveway permit to use both driveways.

Mr. Major stated that they are asking for waivers for test pits and data, lighting plan, driveway Profiles and Level 2 soils information. The driveway is in a previously disturbed area. They have no plans for underground utilities. The driveway exists and the security lighting will be similar to the existing lighting. There will be no lighting at entrance just gate with reflectors.

Mrs. Cram, an abutter, has concerns that part of the proposal is on her property. She is being taxed on 5 acres and part of the driveway is on her land. She has talked to Pike's representative and they have not proven that it not on her land. She is concerned about big trucks using the driveway and the safety of children. C. Daigle recommended Mrs. Cram have a surveyor survey her property if she has concerns about the boundary lines. Mr. Major explained that Mr. Coffin, their surveyor, has checked his records and deeds and certified the boundary lines. He did stamp the plans. P. Harris explained to Mrs. Cram that this is a civil issue. He stated that the pins have to be certified and that what Mr. Coffin is verifying by stamping the plan. Mrs. Cram stated that she purchased 5 acres of land and she had documentation to prove it. P. Harris explained that the Planning Board has to deal with the certified site plan that they were presented with. He stated that she may want to contact a surveyor or lawyers to check boundaries but this is a civil matter. Mr. Major agreed to meet with Mrs. Cram to discuss her boundary line concerns. Mrs. Cram stated that the access way is her concern. R. Ball wanted to know how long the access way has been there. Mrs. Cram stated that it has been there along time and is very narrow. Mr. Major stated that he hasn't met with abutters to discuss widening the road. He stated that he has talked to DOT and will help with the water ponding in front of the Cram residence should DOT decide to make any improvements in that area. J. Marden wanted to know if they would be doing anything for dust control. Mr. Major stated that the road is watered and swept daily.

Mr. Major explained that the only fuel with the exception of the building heating oil is stored in the permitted fuel tank at existing scalehouse. The quarry is fuelled by a fuel tanker.

There being no further question or comment, the chairman closed the public hearing.

BOARD'S ACTION - Pike Industries, Inc:

MOTION: On a motion by J. Pike, seconded by R. Caldwell, it was voted unanimously to approve the following waivers. (6-0)

- a. Test pits & data.
- b. Lighting plan.

- c. Driveway profiles.
- d. Level 2 soils info.
- e. Underground utilities
- f. Spill containment plan

MOTION: On a motion by J. Marden, seconded by C. Gilbert, the Board accepted the application as complete for the purposes 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 11/17/04 subject to extension or waiver. (6-0)

MOTION: C. Patten 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. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
2. Submit recording fee of \$16.37
3. Compliance hearing shall be held by Board as necessary.

Construction conditions to be complied with once plan has been signed and decision recorded:

4. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
5. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
6. As-built plans required.

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

7. All exterior lighting shall be shielded from abutters and traffic.
8. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
9. Board to be advised of boundary line dispute outcome with abutter.
10. No changes shall be made to the approved plans unless application is made in writing to the Town.
11. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
12. Approval is subject to expiration, revocation and changes in the Ordinances.

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

Plan Submission Meeting and Public Hearing – Winni Bridge Place Real Estate, LLC: Request for Site Plan approval to construct a 10,016 sf building for a restaurant, retail and office use. Property is located at 304 Daniel Webster Highway, Tax Lot 102-007 in the “C” Zone. PB #1504

Mr. George Fredette and Mr. & Mrs. Kievit presented the application.

Mr. Fredette explained that the property has 4.3 acres in the commercial zone. Currently there is a single-family residence and shed on site that will be razed. The rear half is encumbered by an aquifer overlay district. The site has access to sewer, gas and cable utilities. The proposal is for a 10,016 square foot market complex with mixed uses of shops and offices. The highest point of the building is the 44' couplet. The complex will have four buildings. One will house retail and office spaces, the second will house a gourmet food store, the third will be a retail building and the fourth a cooking facility providing food for the gourmet food shop. The 91 space parking lot is in the front and will include handicap, RV & trailer parking. There is a delivery area for storage with overhead doors at basement level. The impervious area is 58% which is for parking. The only utility needed is water, a well will be provided. The Stormwater management system is a storm water detention area. Water is captured and brought to a detention pond and it will meet all wetland setbacks.

J. Marden wanted to know if R. Ball's concerns about incorrect soil information had been addressed. Mr. Fredette stated that he has talked to R. Ball and they are having Mr. Peter Schauer go back to redo the soil classification. J. Marden also wanted to know if a driveway profile was needed. R. Ball explained that the driveway is totally on site so the Town is not responsible for it. Mr. Fredette stated that they are working with the State for the driveway permit. The driveway will have two curb cuts with a combined entrance and exit. J. Marden wanted to know if they would be keeping the State's snowmobile trail. Mr. Fredette explained that it will remain open but they have no intention of improving it or using it.

P. Harris wanted to know about lighting and noise control. Mr. Fredette explained that there will be 6-9 lights in the front. The delivery area and dumpster is in the rear and the closest point is 160' from the rear property line and 230' to the road. There will be tree planting along the rear. J. Marden wanted to know about accessibility to the second floor. There will be an elevator to the second floor.

Ms. Vicki Jensen, an abutter, stated that it was a wooded lot and now all the trees have been cut down and there is no buffer left. She had to put up with the smell from burning for a year and noise now that the sound buffer from the highway has been taken down. The proposed driveway will go around the building and with no buffer the lights from the cars will be shining in her window and yard. P. Harris explained that the proposed buildings are meeting the setbacks and a buffer will be planted. Ms. Jensen doesn't want to be able to see through the trees. She also finds the smells associated with restaurants offensive. C. Daigle explained that tree density must consist of evergreen trees 4' at planting and 6' in three seasons at a minimum. Ms. Jensen suggested a wooden fence because you can see through trees. She would also like to see the trees replanted before construction begins. Ms. Jensen also wanted to know what the hours of construction would be since this abuts a residential area. Mr. Fredette stated the hours of construction would be Monday thru Friday 7am -5pm and Saturday 8am - 5pm. There will be no exterior construction on Sunday.

C. Daigle stated the Fire Department wants a sprinkler system in the building. Mr. Fredette stated that an on site water supply would be provided. If the municipal water line reaches that area before they are ready for occupancy then they will hook into it.

There being no further question or comment, the chairman closed the public hearing.

BOARD'S ACTION - WINNI BRIDGE PLACE REAL ESTATE, LLC:

MOTION: On a motion by C. Patten, seconded by R. Caldwell, the Board moved to accept the application as complete for the purposes 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 11/17/04 subject to extension or waiver. (6-0)

J. Marden wanted to know where the snow disposal area would be. Mr. Fredette stated that one area would be in front and one in back of the building. Ms. Jenson had concerns that the snow runoff will run into Lake Winnisquam. J. Pike explained that they would be using Best Management Practices. Ms. Jensen had concerns that the salt will contaminate her well. C. Daigle stated it would be less salt from the parking lot and Dutile Shore Road then from Rte 3.

C. Patten wanted to know about signage. Mr. Fredette stated that there would be one freestanding sign at the northerly end of the driveway 10' from the property line. C. Daigle explained that it can only be 300sf if it is a complex sign.

MOTION: J. Marden 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. 1. Plans (1 mylar, 4 full paper sets, 1 paper plat only, 1 paper site plan only)
 - a. to be signed/sealed by wetlands/soils scientists as applicable
 - b. set/certify all property pins
 - c. add snow disposal area to site plan
 - d. all utilities to be installed underground
 - e. Site sign (note 12) to be in conformance with zoning ordinance
2. NH DES Site Specific
3. NH DOT Driveway permits
4. Submission of building plans, approved by Building Inspector & Fire Department prior to plan signing. Shall comply with all applicable building, fire, health, and life safety codes. Shall include full sprinkler system w/ connection to municipal water if available or the installation of an alternate watersource meeting Belmont Fire Departments specifications.
5. Payment of decision recording fee & 16.37 make check payable to BCRD.
6. Stormwater management plan and report to be adjusted as necessary for correct on-site soils.
7. Establish escrow account for review, inspections and closure in case of abandonment.
8. Applicant shall sign Inspection Schedule prepared by Planning staff.
9. Compliance hearing shall be held by Board as necessary.
10. Correct lot coverage number.

Construction conditions to be complied with once plan has been signed and decision recorded:

11. Applicant shall follow Inspection Schedule prepared by Planning staff.
12. Building setback to be certified as necessary
13. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.

14. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
15. As-built plans required prior to occupancy. Certification that maximum height does not exceed 45'.

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

16. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
17. All exterior lighting shall be shielded from abutters and traffic.
18. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
19. No changes shall be made to the approved plans unless application is made in writing to the Town.
20. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
21. Approval is subject to expiration, revocation and changes in the Ordinances.
22. Screening along Dutile Shore Road property line shall be more densely planted to meet the intent of the Regulations and address concerns of the abutters raised during the meeting. The butter shall be installed at the beginning f the project at the same time that temporary erosion control measures are installed.
23. Exterior construction activities shall be limited to between 7 am and 5 pm, Monday thru Friday and 8 am to 5 pm on Saturday. No exterior construction shall occur on Sundays.

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

Plan Submission Meeting and Public Hearing – Wayne & Carol Drouin: Request for Boundary Line Adjustment approval to transfer 1,439 sf from tax lot 118-006 to tax lot 118-007 and to transfer 1,439 sf from tax lot 118-007 to tax lot 118-006. Property is located at 409 & 411 Jamestown Road, in the “RS” Zone. PB # 2004

Mr. Bryan Bailey presented the application.

Motion: J. Pike moved to table the application due to late hour.

The motion was not seconded.

Mr. Bailey explained that the Drouins own two pieces of property adjacent to the Town cemetery. The properties are two nonconforming lots with multiple dwelling on each lot. It will be an equal exchange of area with no change in size to either lot. There is a shed that is straddling the property line that will be relocated to comply with setback. He withdrew his waiver request to show the building setbacks he corrected the plan to include them.

BOARD’S ACTION - WAYNE & CAROL DROUIN:

MOTION: On a motion by C. Patten, seconded by R. Caldwell, it was voted unanimously to approve the following waivers. (6-0)

- a. Topography, soils map & report, narrative.

MOTION: On a motion by C. Patten, seconded by R. Caldwell, the Board voted unanimously that the application be accepted as complete for the purposes 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 11/17/04 subject to extension or waiver. (6-0)

Mr. Bailey addressed concerns about unpermitted structures. The garage was permitted but was torn down without a permit in 2000. The deck on lot 6 is larger than was permitted. Mr. Drouin will make the changes on that permit. The deck and partial enclosure under the deck was added without permit and doesn't meet setbacks. It was a replacement of a deck that was there when he bought the house on lot 7. He will have to get the necessary approvals or remove the deck. J. Pike stated that when the shed is relocated it should be on the plan. Mr. Bailey stated that he would put it on the plan.

Ms. Suzanne Oakland, representing Heath Family Trust, wanted to know if the 8' x 8' shed that is in front of the house could be relocated behind the cemetery. Mr. Bailey stated that it would meet the setbacks in that area but they use the shed and he doesn't think they would put it there. Ms. Oakland also stated that the main house is not a single-family residence. C. Daigle stated that it will need to be certified on the plan as to its use.

MOTION: C. Patten moved 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 recorded.

1. Submission of final plans (2 mylars & 5 paper copies):
 - a. All pins to be set and so certified on final plan.
 - b. Driveway to have paved apron.
 - c. Please show cemetery on plan as Town of Belmont for noticing purposes.
 - d. Show building setbacks from cemetery, sidelines, mean high water mark & road.
 - e. Add both cemetery and water setbacks to note listing setbacks.
 - f. Indicate on plan that all four dwellings are single family.
 - g. Show special flood hazard area.
 - h. Note deed restriction wording on replacement of mfg home.
2. Obtain valid permits for or cure:
 - a. garage removed from 118/6.
 - b. extension of deck on 118/6.
 - c. deck and partial enclosure under deck on 118/7.
3. Photos.
4. Shed to be relocated and shown on plan prior to plan signing/recording. Needs permit.
5. Driveway apron to be installed prior to plan signing/recording.
6. Copies of property deeds and copy of recorded property restriction for lot 118/7 (restriction on replacement of mfg home).
7. Payment of plan recording fee. \$26.00
8. Compliance hearing shall be held by Board as necessary.

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

- 9. No changes shall be made to the approved plans unless application is made in writing to the Town.
 - 10. Approval is subject to expiration, revocation and changes in the Ordinances.
- The motion was seconded by J. Pike (6-0)

BOARD’S ACTION - MINUTES:

MOTION: On a motion by J. Marden, seconded by P. Harris it was voted unanimously to approve the minutes of August 23, 2004, as written. (5-0-1)R. Caldwell abstained.

C. Daigle explained that an error has been found in the minutes of August 9th and requested the Board vote to amend the minutes for that date. For the application of Jalbert, staff’s notes indicate that the application was accepted as complete on a unanimous motion by J. Pike seconded by J. Marden.

MOTION: On a motion by J. Pike, seconded by P. Harris, it was voted unanimously to amend the minutes of August 9, 2004, to include the motion to accept the Jalbert application as complete. (6-0)

STAFF REPORT/OTHER BUSINESS:

A. Astoria/Patel – Site Plan Amendment – 205/49:

The chairman signed the Notice of Decision and amended Site Plan for Astoria/ Patel dental office. The applicant has secured the Site Specific and will relocate the Bishop Road driveway as required by the Board.

B. Stonington Heights Tax Lot 211-091:

The chairman signed the amended Subdivision Plan for Stonington Heights showing the road relocation.

C. Date for September Work Session:

The date for the September worksession will be September 27th.

ADJOURNMENT:

MOTION: On a motion by J. Marden, seconded by C. Gilbert, it was voted unanimously to adjourn at 11:10 pm (6-0)

Respectfully Submitted,

Elaine M Murphy
Administrative Assistant