

PLANNING BOARD

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

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

The chairman opened the meeting at 7:00p.m.

PUBLIC HEARING – JOHN DAIGLE: Request for Site Plan approval to construct a 3 bay carwash. Property is located at 276 Daniel Webster Highway, Tax Lot 102-009 in the “C” Zone. PB # 3705

Mr. Paul Fluet and Mr. John Daigle presented the application.

Mr. Fluet stated the proposed carwash will be located in front of Wagner’s campground at the new traffic lights on Daniel Webster Highway across from the old Double Decker Restaurant. They will be using the existing paved driveway. The swimming pool and all the existing buildings to the back line will be demolished. The new road parallels Piche’s boundary line. Handicap parking will be in front of the building along with parking for maintenance staff. This is a totally touchless carwash so there will be no staff on site unless something breaks. Customers will not be parking around the building because all they have to do is insert a credit card in the slot and the doors to the bays open and they drive in. The carwash will be on town sewer. They are changing the existing sewer line to be able to connect at the road. The existing manhole will remain.

Mr. Fluet explained that they have dug an additional test pit and went down 9’ before they hit water so they will not be affecting the ground water table. The long range plan for water is to connect to municipal water when it reaches them but until then they will use a well with a 7000 gallon holding tank. The waste water is divided into two sources. The water from the bays goes into a 1500 gallon grit tank then into a 1500 gallon/water oil separator then into the sewer. The grit and oil separator tanks applications have been submitted to DES for approval. The site is not on the aquifer.

There will be a paved curved drive around the building to allow vehicles to pass if they decide not to use the carwash and want to exit the site. There is also room available for a third lane at the entrance to prevent long lines backing up. There will be yellow and white line striping to the bays. There will be do not enter signs on the exit so that customers will not use the exit as an entrance.

The building’s heating source will be gas and the utilities will be underground. The hours of operation will be 24 hours a day. The doors to the bay do not open until a credit card is inserted. C. Daigle wanted to

know what the hours of operation would be during construction. Mr. Fluet stated 7-5 and the construction would take about 20 weeks to complete.

J. Pike wanted to know if they are creating a street. Mr. Fluet stated it is a private road that will be built to town standards but is not intended to be a town road. C. Daigle stated that there is a note on plan that states "Driveway is a private way and it's placement on the plan is not intended to be a dedication for public use".

C. Daigle wanted to know if there is one handicap parking space. Mr. Fluet stated that there is only one because customers don't get out of their cars they just drive through the carwash.

J. Marden wanted to know about the traffic light facing the site. Mr. Fluet stated that it is just a green light without arrows.

J. Marden wanted to know if the vacuum cleaner stations in the front of the building are considered structures because they extend into the front setback. R. Ball read the definition of structures from the Zoning Ordinance. Mr. Fluet stated that they did not interpret them as structure. He stated that one island is just barely over the setback and the other one is over 20' into the setback. G. Flack stated that they can liken it to a light pole on concrete. Mr. Daigle stated that his interpretation of the definition is something that houses something. P. Harris wanted to know if in an auto sales business there is a regulation on where to park cars. C. Daigle stated that there is no setback for parking. Parking is allowed in the setback area. The Board discussed the fact that bollards are similar and not required to meet setbacks. The Board wanted to know what the size the vacuum stations are. Mr. Daigle stated the cement base are 2' x 6'. C. Daigle stated that it is treated like mechanical equipment installation such as commercial air conditioner units, propane tanks and transformer pads.

MOTION: J. Pike moved to treat the vacuum stations as mechanical equipment that are exempt from setback requirements.

The motion was seconded by W. Peterson and carried. (7-0)

P. Harris wanted to know if the campground use is reestablished in the future is there consideration for lighting 24 hours a day. Mr. Fluet stated there are two lights in front, one in the back and one on the side. C. Daigle stated that she received an email from Atty. Hibbard stating that Mr. Wagner agrees that the campground use has ceased. He also stated that the sewer does not service the bath house. They have DES approval for it to run on septic.

J. Marden wanted to know if the infiltration system is under the parking lot. Mr. Fluet stated that it is. P. Harris wanted to know if the CEO's concerns about vehicles along the steep slopes had been addressed. Mr. Fluet stated that there will be curbing in place and it will be hard to go over it. J. Marden wanted to know what size vehicles the bays will service. Mr. Daigle stated up to 7' high and 24' long.

Mr. Fluet asked for a waiver from showing features 100' off site because Piche's recently had a site plan done and the abutter on the other side is quite a distance away.

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

closed the public hearing.

BOARD'S ACTION – JOHN DAIGLE:

MOTION: J. Marden moved to grant the request the following waiver:

1. Show Features 100' off site

The motion was seconded by J. Pike and carried. (7-0)

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. Submit:
 - a. Mortgagee statement.
 - b. Narrative
 - c. Deed
2. Amend QAP as necessary
3. Campground operation has ceased.
4. Submission of building plans, approved by Building Inspector & Fire Department. Shall comply with all applicable building, fire, health, and life safety codes.
5. Submission of final plans w/changes/notes:
 - a. Add new TML#.
 - b. Add Daniel Webster Highway
 - c. Signature block.
 - d. All pins to be set and so certified on final plan.
 - e. Driveway is a private way and it's placement on the plan is not intended to be a dedication for public use.
 - f. Soils info keyed to NRCS.
 - g. Wetland Scientist & surveyor's stamp/seal required.
 - h. Fire protection statement.
 - i. Underground utilities note on plan.
 - j. Aquifer statement required.
 - k. Existing Wells to be capped/secured
 - l. Mark road as private way
 - m. Item #9 should be to construct to Sewer Comm standards
 - n. Site Plan very difficult to read. Turn off unnecessary layers.
 - o. Signage, exterior mechanical equipment

- p. Key all landscaping to plan. Use Salt tolerant species. Easement for offsite landscaping.
- q. All required directional signage/pavement markings.
- r. All numbered construction notes to correspond to plan.
- s. All graphics to be ID'd.
- 6. Payment of decision recording fee.
- 7. Sewer town/state permits
- 8. Demolition permits
- 9. NH DOT curb cut permit.
- 10. Establish escrow account for review, inspections and closure in case of abandonment.
- 11. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
- 12. Compliance hearing shall be held by Board as necessary.

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

- 13. EPA NPDES.
- 14. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
- 15. 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.
- 16. As-built plans required prior to occupancy/use.

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

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

The motion was seconded by J. Marden and carried. (7-0)

PUBLIC HEARING – ROBERT REED: Request for Site Plan approval to construct a 7 unit multi-family development. Property is located on 69 Shaker Road, Tax Lot 242-002 & 003, in the “V” Zone. PB # 3305

Mr. Craig Bailey and Mr. Robert Reed presented the application.

Mr. Bailey explained that the proposal is for a multi unit apartment complex. It consists of two buildings

and two garages to service those building. There is an existing residential structure on the adjacent site. The site is an old sand pit that is reclaimed and graded. They are proposing a 24' private driveway off Shaker Road which meets all DOT driveway standards. The front building will have four units and the second building will have three.

Mr. Reed explained that he has talked with Fire Chief Siegel about the gravel driveway around the building and he is leaning towards having sprinklers in the building. He presented the Board with a letter from Chief Siegel outlining the options.

The units will be serviced by municipal sewer with a sewer lift station on site. This will pipe sewer on site out to the road. Municipal water will also service the site. The utilities will be underground. The stormwater overflow will be collected in the center of the parking lot then channeled between the buildings out to the pond.

J. Pike wanted to know if they are increasing the 2" pipe from the pump station to the house. Mr. Bailey stated there is no need to increase it as there are three domestic lines there. Mr. Reed stated that he talked with the Water Department and they are not sure if there is a 2" pipe that goes straight to the house.

W. Peterson stated that the report from the Fire Department states that sprinklers are required. Mr. Reed explained that originally they were not required if certain other options were completed instead. C. Daigle stated that it is not the Planning's Board jurisdiction to determine what fire protection is necessary but it is their job to include that requirement in their approval. P. Harris stated that there is a financial savings on insurance if sprinklers are installed. Mr. Reed stated that it is not substantial savings.

J. Marden stated that the driveway up to the King's house has been enlarged and wanted to know if it going to be paved. Mr. Reed stated it will be paved. J. Marden wanted to know about the culvert on Shaker Road. Mr. Bailey stated that if it will be installed and needed it will be put on the plan.

J. Marden wanted to know about the sidewalk to the village. Mr. Reed stated that they will have it on the opposite side of the driveway so there would be no crossings. R. Ball stated it is just widening the pavement with striping. J. Marden wanted to know where the students will be picked up by the bus. Mr. Reed stated that he talked to the bus company and they will stop at the entrance. Mr. Bailey stated that they may need an easement for the driveway if the sidewalk is on the King's side. Mr. Reed stated that if the sidewalk is on the King's side they can shift the driveway down.

J. Pike wanted to know if the hammer head is sufficient to maneuver the Fire Department's apparatus. C. Daigle stated that they looked at the plan. Mr. Bailey stated that there is enough room for a turnaround for the fire equipment.

J. Marden wanted to know if there is a recreational area for children. Mr. Bailey stated that the back lot will be seeded and there is a reserved area. The detention pond will not hold water long. They can set an area aside for recreation but there will be no playground equipment. R. Ball wanted to know what is to west of the pond. Mr. Bailey stated that they are temporary stock piles. C. Daigle wanted to know where the trees are going to be. Mr. Bailey stated that they are not included on the plan because they are only scrubs and plantings. C.

Daigle stated that the application says there will be trees on the King's side. Mr. Bailey stated it is a very sandy area and they have to work with an arborist on what will work. Mr. Reed stated he will plant white pines and keep them trimmed. He has transplanted white pines for a visual buffer for the Kings. C. Daigle stated that they have to be shown on the plan as to the size and how far apart they are planted.

C. Daigle wanted to know if they needed a site specific. Mr. Bailey stated that they do not need it. C. Daigle wanted to know the hours of construction. Mr. Bailey stated they will be 7-5 the standard business hours.

G. Flack wanted to know where the tenants can go for recreation. Mr. Bailey stated there is a level maintained lawn area. Mr. Reed stated that the area around the building will have a 25' loam area from the building and each unit will have a patio. Mr. Bailey stated that they could put aside a 60' x 120' area behind building one for recreational use. The slopes will have prairie grass.

Mr. Reed stated he will sprinkle the buildings.

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

BOARD'S ACTION –ROBERT REED:

MOTION: J. Marden moved to grant the following waiver:

1. Plan scale >1"=20'.

The motion was seconded by J. Pike and carried. (7-0)

MOTION: W. Peterson 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 building plans, approved by Building Inspector & Fire Department. Shall comply with all applicable building, fire, health, and life safety codes.
2. Submission of final plans w/changes/notes (7 paper copies):
 - a. Change apartment name on sheet 7.
 - b. Edgewood Drive is a private way and it's placement on the plan is not intended to be a dedication for public use.
 - c. Parking spaces, handicapped spaces and sidewalk to be adequately striped/signed/marked. Sidewalk to be on either side of driveway.

- d. All pins to be set and so certified on final plan.
- e. Dwelling units to be sprinkled. Access road behind units to be eliminated.
- f. Culvert @ Shaker Road.
- g. Show tree buffer. Specify size and types of trees.
- h. Show 60' x 100' recreation area.
3. Payment of decision recording fee.
4. Escrow for abandonment, inspections, incomplete improvements, as-builts, and one-year post improvements.
5. Permits:
 - a. Belmont curb cut to upgrade use of driveway
 - b. Selectmen's permit to work in ROW (for any utility connections)
 - c. EPA NPDES notification.
 - d. Town of Belmont/State Water permits
 - e. Town of Belmont/State Sewer permits
6. Compliance hearing shall be held by Board as necessary.

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

7. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
8. All water/sewer improvements to meet applicable codes. May require upgrading of existing service. All applicable water/sewer tests.
9. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
10. 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.
11. As-built plans required prior to occupancy/use.

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. (7-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – FLATLEY COMPANY: Request for Site

Plan approval to construct a 3,000 square foot retail building. Property is located at 96 Daniel Webster Highway,
Tax Lot 201-009 in the "C" Zone. PB # 4005

Mr. Robert Davidson, Mr. Richard Caine, Mr. Allen Daisy and Mr. John Roche presented the application.

Mr. Davidson stated the proposal is for a 3000 square foot retail building at the Belknap Mall. It will be located in the parking lot to the east of the main mall where the gas station used to be located. The location has existing utilities service. The water line runs parallel with the mall and the sewer lines are the ones used for the gas station. There also is an existing gas line in front of the building. Utilities are underground to the mall. The drainage is collected at the entrance way at the catch basin on Rte 3. They have a State driveway permit from District 3 and are not making any changes to the entrance.

Mr. Davidson stated that the free standing building will be in the existing paved area and the Fire Department wants the area around the building paved. The dumpster will be to the north to allow the Fire Department access around the building. They are proposing to redefine the parking and entrance and reduce the green area. There will be three handicap spaces with handicap access will be provided all around the building to get on and off the sidewalk. The building will have sprinklers. They will install new sewer lines and connections. The drainage in from the south east to a new catch basin and will be brought by pipe instead of over land. There was contaminated soil where the gas station was but that has been removed and monitoring wells are in place.

Mr. Davidson stated that they are asking for five waivers. The first waiver is for county soils in lieu of soils map & report because the existing facility has sewer and water available. The second waiver is for stormwater management map and report because when they did the Dunkin Donuts at the other end of the parking lot they asked for the same waiver. Whatever they lose in impervious ground they will make it equivalent with grass somewhere else. They will balance everything and there will be no net change to the site. The third waiver is for flagging the wetlands of the existing detention basin. The existing wetland area has cat of nine tails and wetland plants and there will be no changes to the wetlands area. The fourth waiver request is to use the existing light instead of a new lighting design. They would like to keep the existing lighting for the parking as it exists today. The fifth waiver is for existing landscaping in lieu of a landscaping plan. The building is within the paved area and there are no changes. The sight distance at the intersection is good. They are proposing grass but no bushes.

J. Marden stated that the sidewalk around building only has handicapped access on one side. Mr. Davidson stated they could put a cut on both sides. J. Marden stated that a curb cut on the side near the mall would make handicap accessibility easier.

J. Marden wanted to know if they plan to do anything with the proposed sidewalk on Rte 3 in this vicinity. Mr. Davidson stated that most people will be driving to the mall. He stated that they have the DOT permit and there will be no changes to the driveway. Mr. Caine stated that if the State wants them to put in a sidewalk along Rte 3 then they will discuss it with them at that time.

J. Marden wanted to know what type of shops they are planning on having. Mr. Roche explained that the front of the mall is mostly full and the demand is for 1000 square foot units and this proposal will give them three more units. Mr. Caine stated that the visibility from Rte 3 makes the space in demand.

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

BOARD'S ACTION – FLATLEY COMPANY:

MOTION: J. Pike moved to grant the following waivers:

- a. County soils in lieu of Soils map & report.
- b. Letter in lieu of Stormwater management map & report.
- c. Flagging wetlands of existing detention basin.
- d. Existing lighting in lieu of lighting design.
- e. Existing landscaping in lieu of landscaping plan.

The motion was seconded by W. Peterson and carried. (7-0)

MOTION: G. Flack moved 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 February 1, 2006, subject to extension or waiver.

The motion was seconded by W. Peterson and carried. (7-0)

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. Submission of building plans, approved by Building Inspector & Fire Department. Shall comply with all applicable building, fire, health, and life safety codes.
2. Submission of final plans (6 paper sets)
 - a. Building Inspector requires 3 handicapped spaces.
 - b. Curb cut on westerly side of building for handicap accessibility.
 - c. Contact DOT to discuss status of proposed sidewalk.
3. Payment of decision recording fee.
4. Obtain Town water & sewer permits.

5. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
6. Compliance hearing shall be held by Board as necessary.

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

7. Fire Protection – pave around building, relocate dumpster & sprinkle and alarm building.
8. Provide contact information to PD prior to occupancy.
9. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
10. 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.
11. As-built plans required prior to occupancy/use.

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

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

The motion was seconded by J. Pike and carried. (7-0)

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by W. Peterson, seconded by R. Caldwell, it was voted to approve the minutes of the October 24, 2005, meeting as submitted. (5-0-2) G. Flack and J. Marden abstained.

On a motion by J. Marden, seconded by P. Harris, it was voted to approve the minutes of the November 10, 2005, meeting with the following addition. The School Board offered the Town space at the school for their meetings. (4-0-3). W. Peterson, R. Caldwell and C. Patten abstained.

On a motion by J. Marden, seconded by R. Caldwell, it was voted to approve the minutes of the November 14, 2005, meeting as submitted. (4-0-3) J. Pike, W. Peterson and C. Patten abstained.

STAFF REPORT:

A. JOHN CHAPDELAINÉ TAX LOT 105-019:

The chairman signed the subdivision plans for Chapdelaine on Ladd Hill Road.

B. BELMONT GAMING TAX LOT 246-001:

C. Daigle stated that the Greyhound track has submitted a building permit for interior renovations and to expand the kitchen. The addition will be 16' x 60'. She wanted to know if this is considered a minor change or do they have to come back for site plan review.

MOTION: W. Peterson moved that it is a minor change and can be handled at staff level.

The motion was seconded by J. Pike and carried. (7-0)

C. ZONING AMENDMENTS:

C. Daigle explained that the time to petition a zoning amendment on the ballot is November 14th to December 15th. The Board discussed some possible zoning amendments. J. Marden stated that they need to clarify the setbacks and definition for mechanical equipment. C. Daigle stated that there is a definition for structure and mechanical equipment may be exempt from setback if approved by site plan. The Board decided not to make changes to the definition or setbacks for mechanical equipment as they can be addressed through site plan approval.

It was the consensus of the Board to clarify the definition of frontage and place it on the ballot.

The Board discussed growth control and impact fees and decided to wait until Mr. Mayberry's presentation on impact fees to determine if growth control and impacts are something that Belmont wants and needs. After the review of the studies they will decide if a growth ordinance should be put on the ballot. They will use the studies to make their determination.

ADJOURNMENT:

MOTION: On a motion by J. Pike, seconded by J. Marden, it was voted unanimously to adjourn at 9:30p.m. (7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant