

ZONING BOARD OF ADJUSTMENT

Wednesday, June 23, 2010
Belmont Corner Meeting House
Belmont, N.H.03220

Members Present: Chairman Peter Harris; Norma Patten, Pleasant Oberhausen, Linda Couture and Marshall Ford.
Alternates Present: Mark Mastenbrook.
Alternates Absent: Ed. Hawkins (E).
Staff: Candace Daigle and Elaine Murphy.

The chairman opened the meeting at 7p.m.

Abutters' Hearing – Kathryn & Thomas Meehan for Mallards Landing: Demolish and replace a single family one story dwelling with a two story dwelling at 46 First Street, “RS” Zone, Tax Lot 110-002-000-231.

Two Special Exceptions of Article 11.A.3.d of the Zoning Ordinance:

- A. Closer (12.9’) to the rear property line than allowed (25’) but not closer than the existing unit. #3110Z
- B. Closer (13.2’) to the road than allowed (15’) but not closer than the existing unit. #3210Z

Special Exception of Article 11.A.3.c of the Zoning Ordinance:

- C. Adding useable space (2nd story) within a preexisting nonconforming footprint. #3310Z

At least three members have viewed the site.

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

Mr. Bailey explained that this is a preexisting use on a large track of land. There are multiple campsites and homes that have been upgraded from old camps. The proposal would afford the applicant better services and more living space. The constraints of the neighborhood are the interior road network and adjacent sites and structures. The site abuts and is adjacent to the railroad. He used the plan to show the existing conditions and the proposed construction. The existing structure is 11’ to the property line and 12.3’ to the private unnamed roadway. The unnamed road is considered a road and not a driveway because it services more than two units.

Mr. Bailey explained that the proposal requires a setback Special Exception. The new structure is 13.4’ from the corner of the building and 13.2’ from the deck to the unnamed road. The proposal is more

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conforming than the existing structure. It is 13.3' and 12.9' to the property line. The site straddles the 250' Shoreland protection area. They have received their Shoreland Protection Permit. The permit has improved the impervious area of the site.

The site is an appropriate location because it is a new dwelling consistent with others in the area. Property values will not be reduced because they are replacing the existing structure and the use will remain the same. No nuisance or hazard is involved because the structure will be used in the same manner as the existing structure. The use is a single family, seasonal recreational structure. The site has municipal sewer and community water. The other utilities already service the existing structure.

P. Oberhausen wanted to know what they are heating with. Mrs. Meehan stated that it will be gas downstairs and electric on the second floor. P. Oberhausen wanted to know where the propane tanks will be. Mr. Bailey stated that in the back of the structure on the railroad side.

P. Oberhausen stated that the electric lines are parallel with the building and he is concerned about having a second story close to those lines. Mr. Bailey stated that they are further away than they are now. P. Oberhausen stated that the house is moving about a foot but he is concerned about the safety factor being close to the high power lines. Mr. Bailey stated that Mallard's restricts the height to 18.5'. P. Oberhausen wanted to know if Mallard's has approved this proposal. Mr. Bailey stated that they have.

P. Harris stated that this is a preexisting use and the proposal is bringing it more into compliance than what is there today. Mr. Bailey stated that it will be built to today's standards, will be safer and the structure will enhance the neighborhood.

M. Ford wanted to know if it will have a full foundation. Mr. Bailey stated that it is a slab on grade. He doesn't believe there are any foundations in Mallards.

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

BOARD ACTION – KATHRYN & THOMAS MEEHAN FOR MALLARDS LANDING:

MOTION: P. Oberhausen moved to grant a Special Exception of Article 11.A.3.d of the Zoning Ordinance to demolish and replace a single family one story dwelling with a two story dwelling closer (12.9') to the rear property line than allowed (25') but not closer than the existing unit as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.

3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact. No abutters present.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Conditions:

1. Setbacks certified during construction as required.
2. Comply with all conditions of Shoreland Protection permit.
3. No other structures or additions (incl. decks, porches, landings, etc.) not meeting setback are allowed by this approval.
4. No fuel source or accessory structure shall be placed between Units 231 and 233.
5. Comply with all applicable building, fire and life safety codes.

The motion was seconded by N. Patten and carried. (5-0)

MOTION: P. Oberhausen moved to grant a Special Exception of Article 11.A.3.d of the Zoning Ordinance to demolish and replace a single family one story dwelling with a two story dwelling closer (13.2') to the road than allowed (15') but not closer than the existing unit as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact. No abutters present.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Additional conditions:

1. Setbacks certified during construction as required.
2. Comply with all conditions of Shoreland Protection permit.
3. No other structures or additions (incl. decks, porches, landings, etc.) not meeting setback are allowed by this approval.
4. No fuel source or accessory structure shall be placed between Units 231 and 233.
5. Comply with all applicable building, fire and life safety codes.

The motion was seconded by N. Patten and carried. (5-0)

MOTION: P. Oberhausen moved to grant a Special Exception of Article 11.A.3.c of the Zoning Ordinance to add useable space (2nd story) within a preexisting nonconforming footprint as it meets all the criteria.

1. The use is allowed in the district.
2. The specific site is appropriate for the use.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided.
7. There is adequate sewage disposal.
8. Structures must otherwise meet all dimensional requirements of the Ordinance.

Conditions:

1. Setbacks certified during construction as required.
2. Comply with all conditions of Shoreland Protection permit.
3. No other structures or additions (incl. decks, porches, landings, etc.) not meeting setback are allowed by this approval.

The motion was seconded by L. Couture and carried. (5-0)

Abutters' Hearing – Henry & Theresa Dionne: A Variance of Article 4 of the Wetlands Ordinance to construct a 24' x 27' addition (roof only) to a commercial/residential garage closer (28') to the wetlands than allowed (35') at 730 Laconia Road, "C" Zone, Tax Lot 230-041, #3510Z.

Mr. Henry Dionne presented the application.

Mr. Dionne explained that he wants to put a carport on the front of his existing garage so that when he is repairing boats the boats will be protected and he will be out of the weather. He is within 28' of the wetlands but there is no other place on the property that will meet the setback except if he moves closer to the house. By moving it closer to the house it would not be aligned with the house or the garage and could create a fire issue. None of the abutters can see the structure. People driving by can't see it unless they slow down and stare into his yard. Abutter can't even see it in the winter when the leaves are gone. It won't hurt the value of the land but will enhance it. It doesn't devalue the neighborhood. He is going over an area that he is already using. He has never had a spill there in the ten years he lived there and the three years he has had his boat business. He has met with S. Dalton, Code Enforcement Officer,

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for his Aquifer Inspection and discussed what is allowed on the site and what he needs in case of a spill. He has diverted the water towards the front of the house and put in gutters to divert the water from the roof away from the wetlands.

M. Ford wanted to know if he would be coming out further than the existing cement apron. Mr. Dionne stated that he is not coming out any further then the cement apron it will be the same size.

M. Mastenbrook wanted to know if it is just a roof with no walls. Mr. Dionne stated it is. S. Dalton has reviewed the structural plans for the roof so that it meets the required 90lb snow load. He has approved the plans and the plan is 100% engineered approved.

P. Harris wanted to know if he could put it in the flat area behind the garage. Mr. Dionne stated that there is not enough room to meet the setbacks. The rear setback is 12.5' and he would be inside it. Mrs. Theresa Dionne stated that the well is there. P. Harris wanted to know how they would get the boats back to the gravel area outback. Mr. Dionne stated that they can use the existing driveway that is in the wetlands buffer. He has put in quarry dust and 6" cinder blocks and created a berm. He stated that R. Ball has been out to the site and has said it is an improvement. P. Harris wanted to clarify that it was ledge pack material. Mr. Dionne agreed and explained that they used to have sand there but the rainfall of the last two years washed it away.

N. Patten stated that it is a congested area with all those buildings. What happens when there is an emergency? Mr. Dionne stated he will be moving the Quonset hut and eventually removing the shed when he gets site plan approval. C. Daigle stated that he can get a permit to remove the residential one. L. Couture wanted to know about the existing shed. Mr. Dionne explained that it is a residential one that he will move eventually, sometime between now and the fall. L. Couture stated that it is just a carport with a roof on it. Mr. Dionne stated that it has a rounded aluminum roof. It is a carport not a building. It has no sides.

P. Harris stated that he has to consider the criteria for a special exception. He has to consider the impact to the public and the goals of the Master Plan to protect the water, wetlands and aquifer. There is a hardship because ½ of the property has wetlands. The spirit of the ordinance is met because he is protecting the water and natural wetlands by stopping any problems before they occur. He is has a plan in place for the oils and mechanical fluids to keep them from getting into the wetlands. Mr. Dionne stated that the building will stop the runoff and the only spillage could be two-three quarts of oil but he has two pans one bigger than other that catches any leaks. The boats are all self-contained. P. Harris stated that granting this roof decreases the chance of leakage runoff. This is a commercial area of Belmont and what is built there needs to be quality.

Mr. Dionne wanted to know if it is alright if he attached the carport to the garage. The manufacturer stated that it has to be bolted down so that it doesn't blow away. P. Harris stated that if it

bolted to the garage it will have better flashing and would be more secure. Mr. Dionne stated that in the future he would like to take the carport down and put up a steel structure.

N. Patten wanted to know how big the gravel storage area is and how many boats they store there. Mr. Dionne stated that last year he had 47 boats but that was both in front and out back. N. Patten wanted to know if he stores any oil in the garage. Mr. Dionne stated he has some new and old oil. The old is stored in a two containment system then given to the highway garage to use for fuel. He only has three or four gallons of oil on site because he can order it one day and have it the next day. There is no need to keep large amounts on site.

M. Ford wanted to know why he doesn't work on boats in the garage. Mr. Dionne stated that it is too small. The doors are too small to get boats and trailers in it and if you did you would hit your head on the ceiling when working on them.

M. Mastenbrook wanted to know how high the carport roof is. Mr. Dionne stated that it is 13.5' or 14' at the peak.

N. Patten wanted to know if the gasoline is drained from boats in the winter. Mr. Dionne stated that the gas tanks are left empty for the winter because of water in the gas. In the past they used to recommend that they leave the gas tanks full but now he recommends the tanks be as empty as possible and put new gas in the spring.

P. Harris stated that if the Special Exception is approved Mr. Dionne will still have to go to the Planning Board for Site Plan approval.

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

BOARD ACTION – HENRY & THERESA DIONNE:

MOTION: P. Harris moved to grant a Variance of Article 4 of the Wetlands Ordinance to construct a 24' x 27' addition (roof only) to a commercial/residential garage closer (28') to the wetlands than allowed (35') as it meets all the criteria.

1. The variance will not be contrary to the public interest because there was no input from abutters.
2. The spirit of the ordinance is observed because there will be proper protection of the wetlands. There is a preexisting road in the wetlands buffer. It is the angle of the garage that brings the proposal out 7'. The roof will provide better protection from runoff into the wetlands. They will need Planning Board Site Plan approval and

inspections.

3. Substantial justice will be done because it is an allowed use in the commercial zone and will allow him to continue his work. The proposal is properly designed.
4. The variance would not diminish the value of surrounding properties because it is a preexisting use and the trees block the view from the road.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because 50% of the property is wetlands and there is no other reasonable area to construct it:
 - a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because it is preexisting and close to the wetlands
and
 - b. the proposed use is a reasonable one because it is better protection for the wetlands.

Additional conditions:

1. No other structures or additions (incl. decks, porches, landings, etc.) that do not meet setback are allowed by this approval.
2. Structure to remain open on south, east & north sides.
3. Structure to meet all applicable Building, Fire and Life Safety Codes for commercial use.
4. No storage of regulated substances within roofed area.
5. Planning Board Site Plan approval is required.

The motion was seconded by P. Oberhausen and carried. (5-0)

Abutters' Hearing – Belmont Firearms and Range LLC: Continuation of Hearing for a Special Exception of Article 5 Table 1 of the Zoning Ordinance for a Recreational Facility, outdoor shooting range and law enforcement training house at 140 Laconia Road, “C” Zone, Tax Lot 210-005, #2010Z.

At least three members have viewed the site.

Mr. Jon Rokeh and Mr. Bob Gillespie presented the application.

Mr. Rokeh stated that there are a lot of people present that were not at the last meeting so he feels it would be beneficial for everyone if he read the narrative he submitted. He read the following narrative to all those present.

“The proposed outdoor range has been designed to minimize both physical impact to the site and

to minimize noise issues associated with an outdoor shooting range. The outdoor range will be operated as an expansion of the existing indoor range and many of the safety features and collection methods that are already proven will be applied. Belmont Firearms and Range is a very successful business and is proposing to expand to an outdoor range in response to both private and public law enforcement needs for a safe, controlled, outdoor shooting facility.

The range layout is designed to work with natural layout of the existing parcel. The topography lends itself to shooting at a downward angle to the target area. Both the shooting platform and the target area have additional features to insure there is no possibility of stray bullets leaving the site.

There is a narrow wetland at the low point between the deck and target that will be protected by the design of the range. It is much lower than both the platform and the target area and the platform is designed in such a way that no ammunition could end up in the wetland area.

The target area utilizes a rubberized product to prevent bullets from shattering and making it so they can be collected intact. Product manufacturer recommends collection of rounds after 100,000 rounds have been fired per lane. The bullets are heavier than the rubberized product and are essentially 'sifted out'. This product is currently being used in the indoor range and has been proven to be very effective and easy to clean.

The range design requires minimal grading and site changes. The storm water runoff from the clearing for the range can be easily dealt with.

There will be no impact to ground water or wells due to the design of the backstop target area and the type of ammunition being used onsite. The bullets do not shatter and there is no lead. The bullets are collected intact. The same system that is currently being used indoors will be implemented outdoors.

The shot fall zone is limited to the target area by the design of the shooting deck. There is also a berm that will be built up behind the target area to prevent overshooting. The bullets can be easily collected intact from the rubberized backstop product. There will be no lead rounds used at the range so lead recycling is not an issue.

The life expectancy of the range is limited only to the business itself. The rubberized product has a nearly unlimited life expectancy and can be replaced at any time. The shooting deck needs only to be maintained as any building structure does and the shooting corridor just needs annual maintenance to keep new trees and brush from growing and blocking the target. A close out plan would include removal of the target area including the concrete base, removal of the shooting deck and training house and allowing the natural vegetation to regrow in shooting corridor.

Safety

Shooting platform design is very similar to an indoor setup with seven firing lanes. The low roofline and raised front panel ensure that the target area is the only possible location bullets can get to. A full time range master will be on hand at all times that people are using it. Since the structure is fully enclosed there will be no safety issues to people onsite. The shooting platform will also have soundproofing material on the inside of each lane to act as a 'silencer' for the gunfire. This will minimize the noise that can be heard by both the immediate abutters and the other tenant's onsite.

The activities both inside the shooting platform and at the target area will be monitored and recorded with a digital camera.

O&M Plan

The operating schedule will be 10am to 1 hour before sundown. The exact schedule will be determined based on the spring, summer and fall sundown times. The range will not be operated in the winter.

Only long rifles will be used with full metal jacket, non lead bullets.

The training house will be used by law enforcement only for training activities. There will no 'live' ammunition used in the training house, only 'simulated' ammunition.

The casings and wadding will be collected from inside the shooting platform. The shooting platform and firing lanes will be set up the same as the indoor layout where nothing but the bullet itself can leave the platform. Casings and wadding material can be sweep up the same as it is indoors. The bullet recovery is easily accomplished from the rubberized material. The bullets are 'sifted' out and recovered intact. This process is being used indoors and is proven to be effective. Access will be provided to the concrete target base. The target area will be cleared of bullets after every 100,000 rounds per firing lane according to the manufacturer's guidelines. Since the rounds that are being used at the range are non-lead rounds and have full metal jackets there is no chance of lead pollution.

The existing well for the site will be tested yearly for water quality issues.

Quality Assurance:

The shooting platform is fully enclosed and soundproofed for safety and sound control. There is a full time range master in the shooting platform at all times that it is in use to ensure the range is operated safely. The use of full metal jackets and non lead bullets virtually eliminates all dust. This has been tested and proven already in the indoor range.”

Mr. Rokeh ended the narrative.

Mr. Rokeh explained that the shooting platform is behind the building. There is a natural swale in the middle of the site that goes to an existing mound. They will be shooting downhill towards the ground so bullets cannot leave the property. The targets are about 12' lower than the existing berm. The wetlands have been delineated with a narrow strip of land on both sides for the existing drainage. Because of the design of the platform and the location of the target there is no chance of bullets getting into the wetlands.

Mr. Rokeh explained that at the last meeting they brought samples of the products that will be used to protect the wetlands. Mr. Gillespie invites anyone who wants to see the products to come by the range. There was concern at the last meeting about bullets shattering but they have eliminated that issue.

Mr. Rokeh stated that the only change to the area is they are building an earth berm. The deck's roof angles down so they are looking through tunnels creating tunnel vision towards the target. They cannot see the sky line.

The life expectancy of the range products is limited to the life of the business. The products have an indefinite life expectancy. They are made from recycled tires. They can be replaced if necessary. The platform will be maintained as any other outside structure would be. There is existing vegetation that will be kept intact. There is a plan in place to restore everything back to its original condition if the business should close or leave the site.

Mr. Mark Mooney stated only the shoot house is sound proof. Mr. Rokeh stated that there will always be a full time range master on site when the shoot house is open. He will be there to make sure that the shooting is done in a safe manner. There is no way anyone can get in the line of fire. The soundproofing is designed to mimic a silencer and minimize noise to abutters.

Mr. Rokeh stated that the training house has been moved outside of the wetland area.

Mr. John Froumy, 133 Mile Hill Road, stated that he support behind the shooting hut for law enforcement for the State but why Belmont? Why here when there are other areas more conducive. He wanted to know how long ago the indoor range was granted approval. Mr. Gillespie stated that he has owned it for seven years and it was in operation for fifteen years before that.

Mr. John Koning, 169 Mile Hill Road, stated that he has concerns about the noise and stray rounds. He wanted to know if there would be any automatic weapons. Mr. Gillespie stated there definitely would not be any automatic weapons.

Mr. Rokeh read a letter from the NH Police Association stating that they have reviewed the

proposal and they are in support of it. There is a lack of training areas in NH and they are confident that if this is approved it would be advantageous to many police agencies. It also will provide a safe option to the general public who currently have no controlled outdoor shooting areas.

Mr. Rokeh stated that Mr. Gillespie is willing to set up a prototype to do a sound test. Mr. Koning stated that the sound will be heard over the hills and valley. He moved to Belmont for the peace and quiet and everyone wants the area to remain that way. This cannot happen if they are shooting towards that area. The sound will echo off the ledges. People currently shoot in the pit and they have to deal with that noise. He is also concerned about stray rounds. He stated that it is a great plan but things can happen and rounds can go over the berm,

Mr. Gary Johnson, 153 Mile Hill Road, stated that he is concerned about the noise echoing. The noise from the motorcycles on Rte 106 can be heard echoing in the area. The fly boy club has been restricted from flying in the area during the fair events because of the noise.

Tim Bartlett, 162 Mile Hill Road, stated that with the down-range angle of the proposed shooting house they could possibly shoot beyond the target and the shots would be heading into the neighborhood. He wanted to know how they control after-hours unsupervised use of the range. Mr. Rokeh stated that the building is locked and the access is through the main building. The shoot house is 25' off the ground so no one can climb in it. They have talked about fencing the area. There will be video cameras in place to monitor the site. Mr. Bartlett wanted to make sure that no one could go around the building. He moved here 15 years ago for the quiet and he doesn't want to hear firing from the seven lanes seven days a week. After looking at the drawing of the deck he is concerned about shooting 1500' down range and not being able to see the horizon from a sitting position. Mr. Rokeh stated that this is at a conceptual level and they will be providing more details. There will be no shooting from a sitting position. It is designed not to see the horizon. Mr. Bartlett wanted to know if the sound test will be publicized and what the parameters of it will be. Will it be just at the range or will it be also on Mile Hill Road? He stated that he enjoys the deer and wildlife in the area. He stated that he is not opposed to shooting he has used the indoor range and has enjoyed it.

Mrs. Ruth Mooney stated that there is a possibility of driving wildlife out of the area with shooting 8-10 hours a day. It will impact the area. There will also be environmental impacts. She is not surprised the Police Association supports the range because they don't want it in their home town. She stated that the noise will impact the fairground. It will frighten the horses. What would happen if a child wanders off from the fairground and wanders in the vicinity of the range?

Mr. Brian St. George, 165 Mile Hill Road, stated that he walks the area on weekends and is concerned about a shell going through the roof. Mr. Rokeh stated the hut is bullet proof. Mr. St. George wanted to know if the noise level testing will be firing one firearm or all seven at one time. P. Harris stated that at the last meeting Mr. Gillespie brought in a sample of the rubberized material to address the

environmental concerns.

Mrs. Cindy Bartlett, 162 Mile Hill Road, wanted to know if the structure is original or is it based on others used in the United States. Mr. Rokeh stated that it an original designed that Mr. Gillespie designed based on his knowledge of indoor ranges. The angle of the roof and the soundproof lanes haven't been done before. Mrs. Bartlett stated that it is hard to visualize. She wanted to know what decibel level would be acceptable. Mr. Rokeh stated that they are putting together that information. Ms. Bartlett wanted to know if an echo test is being done and where. Is there a level out there that the Board considers acceptable and what is it. P. Harris stated that the Board has not set that level.

Mr. Mark Mooney stated that at the April 28th meeting he stated that a rifle range doesn't belong in a residential area. He has firearms so he is not opposed to shooting and rifling. There is no way a seven lane high powered rifle range should be allowed in a neighborhood. It will disrupt the peace of mind the neighborhood has now. He wanted to know how close the manufactured home park on Bishop Road is to the range. Mr. Rokeh stated that the nearest residence is 4/10 of a mile away. Mr. Mooney stated that they have to look at the residents on Mile Hill Road and in the manufactured park.

Mr. Mooney stated that for the applicant to get a Special Exception there has to be a hardship. There is no hardship so how can they justify one. They should table the application indefinitely and not come back. P. Harris stated that the Board has to go through due process. C. Daigle stated that a hardship is not required for a Special Exception. Mr. Mooney questioned the fact that the ordinance allowed the shooting range by Special Exception. C. Daigle explained that it is allowed by Special Exception but they have to prove that it is an appropriate location. Mr. Mooney stated that it is the wrong neighborhood. It should not disturb a residential area. P. Harris stated that in order to grant a Special Exception then they must meet all the criteria. If they do not meet even one criteria then a Special Exception is not granted.

Mr. Demspey, 8 Oak Drive, wanted to know how the shoot house is constructed. Mr. Gillespie stated that it is a portable room about the size of this meeting room. It has adjustable walls with no ceiling so the floor plan can be adjusted. The shooting house will be monitored. Simulated bullets will be used.

Mr. Steve Guess stated that he is currently on the training force and explained that bullets are plastic sleeves that don't travel more than 100'. It is like paint ball bullets that leave a paint spot. Mr. Demspey wanted to know what the noise level is. Mr. Guess stated that it is a little more than a .22. Mr. Demspsey wanted to know about the foot access in the target area and if they were moving targets. Mr. Gillespie stated that they are fixed targets.

Wendy French, President of the 4 H Fair Grounds, stated that they hold activities outdoors and when there is a horse show and other shows involving animals they are concerned about noise. They work closely with the radio control club so that there is a no fly agreement during the shows. She is

interested in the sound trial and what the noise level will be at the fairground.

Brad Corriveau, 67 Dutile Road, stated that it will be a challenge to keep the sound contained. At his home he can hear the horse show and fly boys for the radio controllers. Firing seven guns at one time will compromise the quality of life and will not be a benefit to the town.

Mr. Norman Johnson, 16 Hemlock Drive, stated that he is concerned about the sound. This is a quiet neighborhood and on occasions they hear shotguns being fired and everything changes and everything focuses on the gun fire.

Mr. Hugh Baird, Darby Drive, stated that he moved from Connecticut to Briarcrest Estates. He stated that he sent a letter to the editor of the Daily Sun voicing his concern. He explained that he represents 250 families living there. They understand and support expanded progressive town development. However this project presents major problems and should undergo more studies. The studies should include noise abatement, additional road traffic and its impact and future negative zone changes that may hurt residential home owners. Mr. Baird stated that he was impressed with Keith Forrester's credentials however it appears he may have other interests. He believes it is logical for the town to further study the issues, address the real concerns to arrive at a decision that is in the best interest of the town residents. The Board has the responsibility to get more information and do more studies that may take years.

Mr. Dana Chase, 288 Gilmanton Road, stated to be fair to the public the town should have regulations for shooting ranges. C. Daigle stated that the Noise Ordinance does not cover shooting. He stated that there is no factual evidence of the noise. The applicant has agreed to build a prototype and everyone needs to wait until the decibel readings are in to determine what the noise impact will be before making a decision. There is shooting in the area and that has been a safety concern. He wanted to know if there are ten firing lanes and if they were all going to be used at the same time. Mr. Gillespie stated that it is unlikely that all seven lanes will be used at the same time.

Mr. Chase stated that there are 250 residents in Briarcrest Estates but some of them live in Laconia. He feels that the Board only has to listen to the ones who live in Belmont. We need to listen to the residents of Horne Road, Dutile Road, Leavitt Road and Mile Hill Road because the sound travels backwards towards the building not towards Briarcrest. He agrees that sound travels but there are things that can slow it down. Sound seems to be the major issue. We need to wait for the prototype before making a decision.

Mrs. Bartlett stated that the noise ordinance doesn't cover shooting and she wants to know what the criteria is for an acceptable noise level and who is going to decide what is acceptable. What is acceptable to one person may not be acceptable to another. P. Harris stated that an outside recreation area is allowed in the zone if it meets the criteria for a Special Exception. Mrs. Bartlett wanted to know

what is too loud. How can they make that decision if they don't live on the street?

P. Harris thanked everyone for coming and participating in this meeting. Mrs. Mooney stated that everyone is here because she made phone calls not because it was advertised. She asked how many people knew about this meeting before she called them. One person said they did. P. Oberhausen stated that it was in the paper. Mrs. Mooney stated that most people do not read the Laconia Citizen and not the section of the paper for legal notices. Mr. Mooney stated that there should have been a cover story about the meeting not just the legal noticing. C. Daigle explained that it was noticed twice in the paper, once on June 16th and again on June 21st. All abutters were notified and a courtesy notice was sent to the Mooneys. She also addressed the previous comment that only Belmont residents have the right to comment at the public hearing by explaining that anyone impacted by a project has the right to comment on project.

Mrs. Mooney stated that the outdoor range will impact homeowner's property values. If you are trying to sell a home its value will be affected once they find out there is an outdoor shooting range in the area. C. Daigle explained it is up to the public to bring in proof that their values will be affected. They can bring in proof from a realtor that their property values will be affected. Mrs. Mooney stated that she can provide proof. C. Daigle explained that the criteria for a Special Exception are set by the State. Mrs. Mooney stated that she will hire an appraiser to prove that having a firing range ¼ mile from their property does affect value.

Mrs. Bartlett asked the Board to give her more information so she can do her homework. She still wants to know who decides what is too loud and what it is based on. C. Daigle stated that there is no decibel level that makes that determination. The State tasks the Zoning Board with that determination. Mrs. Bartlett wanted to know where they are going to get the information to decide what is too loud. C. Daigle stated that they haven't made that decision yet. No action has been taken. P. Harris explained that the internet provides a lot of information as well as the NRA and other rifle associations. Everyone has voiced their concern and that helps the Board make their decision. Mrs. Bartlett stated that there should be a level to conduct the test.

Mrs. Mooney wanted to know what happens if the Board approves this application and there is an accident at the 4H as a result of the horses being spooked. The Town could be liable. P. Harris stated that all safe guards will be in place. P. Oberhausen stated that it would be a legal matter and they would have to prove that the horse wasn't spooked by something else.

Ms. Betty O'Donnell, 500 Darby Drive, stated that anyone who lives near the area and is affected by the noise level should be able to vote on it.

M. Mastenbrook stated that the major issue he hears tonight is the noise level. He feels that they need to wait until the prototype is built and the sound test done before they continue. After the testing

they can come back and give the applicant a chance to due process.

Mr. Mooney suggested that the next meeting be held at the Middle School or larger assembly area because he only had a week to get the word out. The meeting was not publicized adequately. Mrs. Mooney stated that they will take out ads in the newspaper for the next meeting. C. Daigle reiterated the fact that the meeting was noticed according to State law. The agenda was posted in the Citizen newspaper twice, on TV and additional postings at the Town Hall, in the Land Use Office and the Post Office. Abutters were also noticed by certified mail.

Ms. Debbie Johnson, 16 Hemlock Drive, stated that she is not up to par on the law concerning abutting property but this is different. It is the noise that affects more than the direct abutters. P. Harris stated that the noise levels haven't been proven.

Mrs. Mooney wanted to know about the parking spaces. P. Harris stated that it would be addressed at the Planning Board Public Hearing. Mrs. Mooney wanted to know how they are going to prevent Police Officers from other communities from coming up to shoot at night after they get out of work. P. Harris stated that the shooting stops at night time. It would be an enforcement issue. Mrs. Mooney stated that you can't call the police because the noise ordinance doesn't cover shooting.

P. Harris wanted to know when Mr. Gillespie would be ready for the sound testing. C. Daigle stated that she would like the Board to consider having a professional sound study with an acoustic engineer to evaluate the sound and set the parameters for the testing. The independent review would be at the cost to the applicant. They would set up a control base before the test. There is more to noise than the decibel levels.

C. Daigle stated that they talked about fencing the site and wants to know what they plan. They also need to get an updated curb cut from DOT.

Mr. Gillespie stated that he could schedule the test for July 9th. There was discussion that the testing be done on a weekend as many people work. Mr. Gillespie suggested July 10th or 11th. C. Daigle suggested that they wait until they hire the professional acoustic engineer to coordinate the time and date. The sound testing date will be noticed and people can check the website or call for updates on the status.

The chairman asked if anyone in the audience had any questions or comments. There were no more questions or comments for tonight's meeting.

BOARD ACTION – BELMONT FIREARMS AND RANGE LLC:

MOTION: M. Ford moved to table a Special Exception of Article 5 Table 1 of the Zoning Ordinance

for a Recreational Facility, outdoor shooting range and law enforcement training house to allow the applicant time to design a prototype and the Town time to hire, at the applicant's expense, a professional acoustic engineer for the sound testing. A time for the sound demonstration will be set once the engineer has been hired and the applicant's prototype is constructed. The test date will be noticed.

The motion was seconded by P. Oberhausen and carried. (5-0)

OTHER BUSINESS:

BOARD'S ACTION - MINUTES:

P. Oberhausen made a motion to approve the minutes of May 26, 2010. M. Ford seconded. Carried (5-0)

STAFF REPORT:

DANA BELLETETE TAX LOT 111-052:

C. Daigle explained that the time has expired for Mr. Belletete to file an appeal with the Court. The garage with the apartment in it on Wakeman Road that Mr. Belletete referred to at his meeting has been checked out and there is no apartment in it. There is nothing but open studs in the garage.

ADJOURNMENT:

MOTION: On a motion by P. Oberhausen, seconded by L. Couture, it was voted unanimously to adjourn at 9:18 p.m. (5-0).

Respectfully submitted,

Elaine M. Murphy
Administrative Assistant

