BLDGMNTO LAND USE OFFICE

PLANNING BOARD

Monday, June 23, 2014
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman Peter Harris; Ward Peterson, Claude Patten, Jon Pike Ex-Officio, Michael LeClair and Rick Segalini Jr.
Members Absent: Douglas Sanborn.
Staff: Candace Daigle, Rick Ball and Elaine Murphy.

The chairman opened the meeting at 7p.m.

PLAN SUBMISSION MEETING AND PUBLIC HEARING – PARENT SAND & GRAVEL LLC: Request for site plan approval to relocate entrance and add scale and scale house. Property is located on Shaker Road, Tax Lots 242-004,005 & 008 in the “V” Zone. PB #1014P.

Mr. Jon Rokeh presented the application. Mr. Adam Towne was also present.

Mr. Rokeh explained that they want to relocate and reclaim the existing entrance to the pit. The driveway is at the base of the hill and trucks exiting the site go over the center line. Relocating the entrance will improve safety by increasing the sight distance to almost 500’. Instead of a gravel entrance the new entrance will be paved to the scale house.

They will be putting in a scale and scale house. The will have municipal water and a septic system. The entrance will be gated and video surveillance throughout the pit.

BOARD’S ACTION – PARENT SAND & GRAVEL LLC:

MOTION: C. Patten 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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by August 27, 2014 subject to extension or waiver.

The motion was seconded by M. LeClair and carried. (6-0)
The chairman opened the public hearing.

R. Segalini stated that moving the entrance to get the trucks off Main Street is needed. Is this the only option? Mr. Rokeh stated that Mr. Nutter is not interested in selling the land needed for an entrance on Wareing Road and his client doesn’t want to lease the property. R. Segalini wanted to know if all the options have been explored. J. Pike stated that the Board of Selectmen (BOS) has had problems with the State about the repairs to the corner of Main St. and Rte 140. The corner has been torn up and the BOS doesn’t want to see that happening on the newly paved Main Street. He understands that you can’t stop progress but the tractor trailer trucks coming down Main Street is not working for town. This is not an optimum plan for Belmont. He hasn't heard of any discussion from Parent Sand and Gravel and Mr. Nutter about getting the truck traffic off Main Street. Mr. Rokeh stated that they have not gone to the BOS but have talked to Mr. Nutter directly.

Mr. Adam Towne stated that he offered to pave Wareing Road if Mr. Nutter sells him the land but he is not willing to lease the land and incur that expense. They have talked to Mr. Nutter but it is a dead issue. He would prefer to have the trucks using Wareing Road but there is no access.

J. Pike stated that no one asked the BOS for assistance. He will talk to Mr. Nutter because the BOS has worked with him in the past. He doesn’t recall the BOS being asked to help negotiate with Mr. Nutter. They need an opportunity to try. Mr. Towne agreed to have the BOS try to get Mr. Nutter to sell him the property needed for an entrance on Wareing Road as most of his business goes south or to the seacoast. The entrance on Wareing Road is important for the tractor trailers and dumps trucks heading toward Rte 106 but Mr. Nutter does not want to sell.

P. Harris explained that the Board is taking into consideration the goal of the Master Plan and the buildout of the town. Perhaps if there is more discussion then it could work. J. Pike stated that the impact will be felt throughout the community. However the Board's duty is to consider the application before them.

Mr. Robert Reed, an abutter, stated that he is in favor of relocating the entrance. The current driveway creates a lot of dust. Even if they go ahead and get access to Wareing Road they can keep both accesses.

R. Segalini stated that even if this is approved he doesn’t feel they exhausted all the options. P. Harris stated that it is not the Board's responsibility to negotiate with Mr. Nutter. Mr. Towne stated that he would rather have the Wareing Road entrance but they still could have both options if Mr. Nutter decides to sell. J. Pike stated that he guarantees the BOS will send a letter to Mr. Nutter. C. Daigle stated they had the conversation at the ARC meeting and with the Town Administrator about a Wareing Road access. The Board can act as a facilitator but they do not have the jurisdiction to force Mr. Nutter to sell. Mr. Towne stated that this is a bigger operation than what was there and they are looking at safety.

R. Segalini stated that if Main Street is posted "no trucking" they would have to go out Wareing Road. Mr. Towne stated that he is not sure of the insurance issue that goes with crossing someone else's property. He needs to own the property not lease it.
P. Harris wanted to know about the temporary reclamation plan. Mr. Rokeh explained that there is a lot of area that they are not touching for years and they will be reclaiming those areas.

P. Harris wanted to know if they will be relocating the business sign. Mr. Towne stated they will relocate the sign to the new entrance. They will also define the snowmobile trail along the property line so the snowmobilers are not riding all over the property. P. Harris wanted to know about trash removal. Mr. Towne stated they will have a small dumpster on site.

Mr. Reed wanted to know about the ROW across his property. Are they reclaiming it or is it going away. Mr. Towne stated that they will get together to discuss that.

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

**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.

1. This action is based on a plan or plan set dated 3/14/14, revised 6/1/14.
2. Permits:
   a. NH DES Notification letter/plans.
   b. Belmont curb cut.
   c. NH DES septic
   d. Submission of scale house plans to Fire Department and Building Official for approval.
   e. Business sign relocation requires permit.
   f. Municipal water permit.
4. Submit final plans (7 paper, 1 reduced) Submit one copy for approval prior to submitting all required copies. Plan additions/corrections:
   a. Sign at gate to be "right" turn only.
   b. For the Access to be discontinued:
      1. Indicate snowmobile trail.
      2. Restrict access width at Shaker Road.
   c. Pedestrian fence detail/specs.
   d. Add Board signature block on cover sheet only.
   e. Above-ground temporary power will be provided to the scale house.
   f. Any gates will be knox locked.
   g. Upper level access into pit to have boulders removed/replaced with gate.
   h. What is building (?) graphic inside pit side slope behind apartment building?
   i. Sheet 2 Quality Assurance Program.
1. eliminate note 1 & note 5 (no on-site fuel storage or vehicle maintenance).
2. note 6 should be 5' separation, not 4'.
   j. Post new 911 number at new entrance.
   k. Dumpster located on plan.
5. Payment of decision recording fee for Notice of Decision.
6. File any outstanding excavation tax intents or reports.
7. Follow town's inspection schedule.
8. Compliance hearing shall be held by Board as necessary.

**APPLICANT SHALL TAKE SPECIAL NOTICE: NO USE/WORK MAY COMMENCE UNTIL ALL PRE-CONDITIONS ABOVE HAVE BEEN SATISFIED. CONTACT THE LAND USE OFFICE WITH ANY QUESTIONS. COMMENCING WORK OR USE PRIOR TO TOWN AUTHORIZATIONS SUBJECTS THIS APPROVAL TO REVOCATION, AND OTHER ENFORCEMENT ACTION AND DAILY FINES.**

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

9. Closure of existing access and construction of new access will continue to accommodate public road drainage.
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.

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

11. Successful annual aquifer inspections required.
12. The property owner shall be responsible to inspect, maintain and make immediate repairs to stormwater management features to assure they function in the manner intended and protect water quality.
13. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
14. No changes shall be made to the approved plans unless application is made in writing to the Town.
15. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
16. Approval is subject to expiration, revocation and changes in the Ordinances. Notice to the applicant and/or a public hearing are not required for the Board to determine that a conditional approval has expired. Reapplication in the case of an expired conditional approval requires a new application meeting all applicable Regulations.
17. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
The motion was seconded by M. LeClair and carried. (6-0)

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – WINNIPESAUKEE TRUCK:**
Request for site plan approval to construct a motor vehicle parts and repair facility. Property is located at 569 Laconia Road, Tax Lot 224-040 in the “C” Zone. PB # 1114P.

**BOARD'S ACTION – WINNIPESAUKEE TRUCK:**

**MOTION:** C. Patten 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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by Aug 27, 2014 subject to extension or waiver.

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

The chairman opened the public hearing.

Mr. Steven Smith presented the application. Mr. Ted Smith and Mr. Peter Howard, P.E. were also present.

Mr. Steven Smith explained that Winnipesaukee Truck's current location is too small and there is not adequate space for them to work. They are relocating down the road opposite the bus facility to a 8.58 acre parcel with 385' of frontage. The site has a driveway with a culvert to cross the wetlands. They are proposing to construct a new facility and to widen the driveway for better access for the trucks. They have a DOT driveway permit. They are shifting the existing telephone pole and installing a locked gate 90' in to allow the trucks to enter and unlock the gate without being on the road. The gate will have a Knox box. They are constructing a 70' x 80' building for an office and parts area with 4 service bays. Phase 2 will be a 2,080sf building addition for service bays and concrete pads. DES has approved the onsite septic. Water will be a private well, the dumpster will be screened and on a grooved concrete pad. The driveway and parking area will be gravel and electric will be underground from the pole on Rte 106. They will file for a sign permit. All construction meets wetlands setbacks, with sheet drainage and grass swale in front and perimeter drains in the back. They have no future development plans in mind at this time.

Mr. Steve Smith stated they made correction on the plans from the ARC meeting. P. Harris stated they are relocating an existing business and staying in town which is good for Belmont. Mr. Steve Smith stated that it will give them the ability to work inside and the drive thru will let them work on tractor trailers. P. Harris stated that the new building will meet current codes.

M. LeClair wanted to know what is going to happen with the current property. Mr. Ted Smith stated that Mr. Fred Beers owns the property and it will probably go up for sale. M. LeClair stated that it is a great move for Belmont. The building will sit back 300' and be out of sight.

R. Ball wanted to know about the runoff. Mr. Howard stated the storm water runoff meets DES requirements. The runoff goes to the stone trench then empties into the pond that has absorbent
pillows. R. Ball wanted to know if they are catching all the runoff from the parking area with this design. Mr. Howard stated the parking area is sloped 2% and is caught by the pond.

W. Peterson stated that he does some work for Mr. Ted Smith and will abstain if the Board wishes. It was the consensus of the Board that there is no conflict of interest.

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

**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. This action is based on a plan or plan set dated 5/15/14, revised 6/2/14.
2. As long as the improvements in Phase 1 are completed under this approval or any extension of this approval, no further site plan approval is required for the building addition identified as Phase 2. However, a building permit is necessary for the addition and the construction standards for that addition must meet the Building, Health, Fire and Life Safety Codes in effect at the time the Phase 2 permit is applied for.
3. Evidence of other agency permits required - NHDOT, NH DES Wastewater.
4. Submit corrected final plans (6 paper, 1 reduced):
   a. Show where Rural Zone line abuts lot and crosses small section of lot in the rear.
   b. Add business hours/days.
   c. No floor drains.
   Submit one copy for approval prior to submitting all required copies.
5. Correct plan or Quality Assurance Program related to proposed construction time.
6. Submit one corrected copy of Quality Assurance Program as noted:
   a. New #2, renumber remaining- Owner is responsible for the permanent maintenance and/or repair of all required drainage facilities.
   b. existing #2 clarify to indicate that
      1. "regulated" or hazardous materials will be stored inside the garage or in an enclosed area with secondary containment in clearly marked, approved containers in accordance with NH DES Best Management Practices;
      2. contaminated spill-kit materials shall be disposed of in accordance with NH DES guidelines;
      3. used containers to be disposed of in an approved manner;
   c. existing #4- New or used batteries are only to be stored in compliance with NH DES Best Management Practices.
   d. #5 expand to "Unregistered/Unroadworthy..."
e. New # - all flammable substances to be stored in a clearly marked approved cabinet.
7. Applicant shall sign and follow Town's Inspection Schedule.
8. Payment of decision recording fee.
10. Compliance hearing shall be held by Board as necessary.

APPLICANT SHALL TAKE SPECIAL NOTICE: **NO USE/WORK** MAY COMMENCE UNTIL ALL PRE-CONDITIONS ABOVE HAVE BEEN SATISFIED. CONTACT THE LAND USE OFFICE WITH ANY QUESTIONS. COMMENCING WORK OR USE PRIOR TO TOWN AUTHORIZATION SUBJECTS THIS APPROVAL TO REVOCATION, AND OTHER ENFORCEMENT ACTION AND SUBJECTS THIS APPROVAL TO REVOCATION, AND OTHER ENFORCEMENT ACTION AND DAILY FINES.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

11. A copy of the Quality Assurance Program and the Town's Inspection Schedule shall be provided to the site contractor(s) prior to work commencing.
13. Submission of building plans, approved by Building Inspector and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.
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. Evidence of other agency conditions achieved.
16. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements. Plans shall be reproducible in black/white, e.g. through the use of differentiating graphics (pre/post contours dashed/solid), identifying notes, etc.

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

17. Approved uses include: motor vehicle & trailer sales, parts sales and vehicle and trailer sales & service facility.
18. The property owner shall be responsible to inspect, maintain and make immediate repairs to stormwater management features to assure they function in the manner intended and protect water quality.
19. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
20. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.

21. No changes shall be made to the approved plans unless application is made in writing to the Town.

22. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.

23. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 6/23/15 unless all conditions are met or an extension is applied for and granted in accordance with the Regulations. Notice to the applicant and/or a public hearing are not required for the Board to determine that a conditional approval has expired. Reapplication in the case of an expired conditional approval requires a new application meeting all applicable Regulations.

24. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

25. Operational conditions of the Town and other agencies shall be met.

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

Mr. Steven Smith told the Board that having the ARC Committee has been a help. It helps clear up any issues before the applicant comes before the Board. Mr. Ted Smith stated that it outlines what needs to be done and helps with everything.

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by M. LeClair, seconded by W. Peterson, it was voted to approve the minutes of the May 19, 2014 meeting as submitted. (4-0-2) J. Pike and P. Harris abstained.

STAFF REPORT:

WATER STREET RETAIL TAX LOT 201-094:
J. Pike stated that the BOS are concerned about the ROW behind the Fitzgerald property on Daniel Webster Highway. They are concerned that they will cut into the ledge and exit the property onto Ladd Hill Road. The BOS does not want them using Ladd Hill Road as an access point. C. Daigle explained that there is a retaining wall there making it impossible to access that way and that it will be added to the ARC discussion.

NUTTER'S PIT TAX LOT 245-001:
C. Daigle explained that there was a complaint from a resident on South Road about blasting coming from Nutter's pit. The Fire Department has shut down the blasting until they receive the necessary paper work from Maine Drilling.

ADJOURNMENT:
MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 8:04 p.m. (6-0)

Respectfully submitted,

Elaine M. Murphy
Administrative Assistant