



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, February 27, 2019
Belmont Corner Meeting House
Belmont, NH 03220

Members Present: Chairman Peter Harris; Vice Chair Norma Patten; Members Mark Mastenbrook, John Froumy and David Dunham.
Alternates Absent: Marshall Ford (E).
Staff: Candace Daigle and Colleen Akerman.

The Chairman opened the meeting at 6pm and welcomed those in attendance.

ABUTTERS HEARING – Groesser Family Revoc Trust: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow a dog grooming salon in the “R” zone, regulated under the Veterinary Clinic/Boarding Kennel use. Property is located at 194 Hurricane Road, Tax Lot 231-014-002-000, ZBA #0119Z.

All five members individually viewed the site.

The chairman stated the following definition will be used to determine if the application before the Board tonight has a regional impact. He explained that in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact.

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

Mrs. Katelyn Groesser and Mr. Bryan T. Bailey, LLS, were present for this application.

Mr. Bailey explained that this application is for a special exception. In the packet the Board received, there is a narrative with photos that will be used to assist in the presentation. Mr. Bailey stated that he was pleased everyone had viewed the property. The top plan is the existing conditions

and the bottom plan is the proposed. The only changes being made are internal. There will be no exterior changes except for a paved apron when the applicant gets to the Planning Board. The apron was a requirement of a previous building permit. The home is a log cabin with three bedrooms and a full basement. Photo 3 of 6 shows a frontal view of the home. To the right of the home is proposed for customer parking and one of the two garage bays for dog grooming. The pole in the photo is set on top of the leach field which is to the left and up towards the home. The property is fairly level at the leach field and is moderate in slopes and undulating on sand and gravel deposits. There is a large wetland across the street that is part of Town conservation land. The property is located in the aquifer zone.

Mr. Bailey indicated that the property is being used as a residential home site on a rural Town road. The proposed dog grooming business will not adversely affect the condition of the road or overburden traffic. It is anticipated that clientele on a daily basis will be 6 to 8 people. The original larger number requested was when the applicant planned an addition and two employees, but that is no longer the case. There will be no addition and no employees.

Mr. Bailey stated that with 6 clients per day, it would not be expected to see all 6 at the same time as they are all scheduled with appointments between 9 am and 5 pm. It takes 1 to 1 ½ hours per dog for grooming services. There are 4 parking spaces now plus 2 under the building. When 1 is taken away under the building there will be 5 remaining. The two to the left and the one underneath will be dedicated for the owners and guests while the two on the right will be reserved for clients. The traffic pattern will be to drive in head first and backup to change direction. There is ample parking and maneuvering space.

Mr. Bailey reminded the Board that this is a low-key operation. There will be no noxious fumes or ill effects on groundwater, stormwater or anything. The whole property is sand and gravel that is rapidly permeable. The septic capacity was designed and approved through NHDES. The plan was prepared for three bedrooms at 450gpd design load. Group 1 soils lot load is 2,000 gallons per day per acre. The lot loading for this type of lot is thousands per day. A & B slopes are up to 8% and the slopes here are 15% with 3,000-4,000gpd lot loading. The wash tub is a special low flow piece of equipment, like toilets and showers. The tub is recirculating and literature shows a use of 2 gallons per grooming cycle. That is a total of 12 gallons increased loading per day. The occupancy in the house is three people, of which one is an infant. A three-bedroom house is designed for 6 occupants, with 75gpd per resident. This lot is more than adequate to support the home and business use. The current use is nowhere near 450gpd.

Mr. Bailey observed that this proposal is specifically authorized under Veterinary Clinics, Boarding Kennels and likely Service Businesses, and Special Exception criteria of Ordinance 13.F is not applicable. The use is not incompatible because it is a business and all that it entails for conducting business is inside the building. The only outside use is parking. There will be no fumes because the shampoos and other products are non-toxic and no worse than what we use. The location is of adequate size because there is only one person performing services. The layout on sheet #2 shows the waiting area, entrance and utility room. One stall of the garage is more than adequate. The business currently exists in Nutter's building on Wareing Road and Route 106 at Noreast Veterinary Clinic. The business will not create undue traffic because it is a very low volume business. The rural nature of Hurricane Road will be maintained and there will be no walking

traffic. This proposal will not overload existing water, drainage or sewer. Those items have already been mentioned. There are no exterior changes, no changes in stormwater and no adverse conditions created. The underlying soil is sand and gravel. There will not be any excessive demand on municipal services because none are impacted by pet grooming. There will be no fire hazard generated. There will be no hazard to health and safety as shampooing, clipping and pet grooming create no hazards.

N. Patten asked if the applicant intends to board dogs. Mrs. Groesser answered no.

N. Patten asked if the anticipated clientele are already Mrs. Groesser's clients. Mrs. Groesser answered yes. N. Patten also asked how many dogs are currently being groomed at the Noreast location. Mrs. Groesser stated 6 or 7 dogs per day. She said the space is similar to her current proposal. Mr. Bailey added that this goes to the adequacy of the proposed site.

J. Froumy questioned if dogs will be kept on premises as they are finished and if they will always be indoors. Mrs. Groesser responded yes. The business will stay the same as it is now with no outside kennels. Mr. Bailey remarked that the Groessers have two dogs of their own with a fenced in backyard, but no client dogs will be outdoors.

J. Froumy asked C. Daigle to confirm that a Special Exception is similar to a Variance where it does not follow the owner, but follows the property. C. Daigle confirmed that is the case. J. Froumy explained that there is a concern of whether someone else would follow the applicant's business plan if it was granted, and if they would adhere to the same standards the applicant has set and presented to the Board. It is important to know that restrictions, if granted, will include things such as the chain link fence. Neighbors wouldn't need to tolerate barking dogs.

J. Froumy asked if there is a physical partition between the two garage bays. It is the statement of the owner that only she will be operating the business. The concern is that behind closed doors, how easy would it be to expand and add an employee if the business grew? Someone else could come in and expand to 4 employees. Mr. Bailey assured the Board that there will be a walled off partition, but it does not yet exist and that any use beyond that which is specifically authorized will require a return to this Board and the Planning Board. The documents for this proposal are more than adequate to demonstrate specificity. J. Froumy proposed that the specifics be stated as part of the Special Exception and not just testimony. Mr. Bailey asserted that if the business takes off it would be great to expand at a different visible location.

D. Dunham asked if refuse will have a special repository. Mr. Bailey explained that a fenced commercial dumpster will be required on a concrete pad, but that will be handled with the Planning Board. This application is more conceptual. D. Dunham asked why refuse would not be put out with household trash. C. Daigle stated that it is not allowed because taxpayers will not pay for disposal of commercial waste.

The chairman thanked Mr. Bailey for a great presentation. He reminded the Board that some of J. Froumy's concerns have been addressed and others will go through Site Plan review with the Planning Board. As the Board reviews applications they look for red flags. Usually enforcement takes over if things become obvious with increased traffic, etc. There should be no contamination

issues with this proposal. This use in that neighborhood is an asset to the area. There are no particular concerns.

The chairman noted that there were no abutters present.

There being no further questions or comments the chairman closed the public hearing.

BOARD ACTION – Groesser Family Revoc Trust:

MOTION: J. Froumy moved to grant a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow a dog grooming salon in the “R” zone regulated under the Veterinary Clinic/Boarding Kennel use as it meets the following criteria:

1. The proposal is specifically authorized as a special exception by the ordinance.
2. The Special Exception criteria set forth in Ordinance Article 13.F. does not apply.
3. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts because business will be conducted indoors; there will be no excessive lighting, smoke or odors; and there will be no outdoor or overnight boarding.
4. The proposed location is of adequate size because the size of the operation will be that of one where the owner will be the only employee and a single bay in the garage will be used for that purpose.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety because it is a low volume business based on a standard of 6 to 8 clients per day and 1 to 2 cars per hour. There is sufficient visibility on the road and it should not create any vehicle hazards. There will be no pedestrian traffic.
6. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street because there are no landscape changes to the existing property and runoff would not be altered in any fashion. The property is served by septic which will not be severely impacted because only 12 to 16 additional gallons per day will be deposited in the system.
7. The proposal does not create excessive demand for municipal services and facilities because the characteristics of the property will remain that of a private residence and a low volume business.
8. The proposal does not create hazards to the health, safety or general welfare of the public because the use is dog grooming and there will be no toxins, noise or anything else that would present a safety hazard.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval.
3. Submit 3 full-sized and 1 reduce-sized corrected plans for the ZBA record:
 - a. Correct tax map number to Map 231.

- b. Correct General Notes #1 & #5. This is not an accessory use to the on-site residential use. It is a commercial use subject to all applicable commercial standards.
- c. Correct Soil Note #6 to no waste product or trash from this use may be incorporated into the residential curbside trash pickup.
- d. Landscape plan: remove reference to addition construction.
4. Approval expires on 2/27/21 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
5. Hours of operation will be Monday through Friday from 8 am to 6 pm.

The motion was seconded by M. Mastenbrook and carried. (5-0)

ABUTTERS HEARING – Foley Oil Company Inc.: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow Propane Gas bulk storage (three 30,000 gallon propane tanks). Property is located at 39 Old State Road in “C” Zone, Tax Lot 201-002-000-000, ZBA #0219Z.

All five members individually viewed the site.

The chairman explained that this application does not require a NHDES Shoreland permit and is not on the aquifer.

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact.

The motion was seconded by J. Froumy and carried. (5-0)

Mr. Jeff Pierson, owner and president of Foley Oil Co. Inc., and Ms. Jody Ameden of Jody Pratt Ameden Energy Consulting LLC were present for this application.

The chairman noted that the applicant went through Planning Board approval on Monday and everything flew by fast. This is the next step in the process.

Mr. Pierson explained that he is asking for a Special Exception to store propane on a commercial lot and install up to three 30,000 gallon propane tanks. The property is currently occupied with a garage, office and bulk fuel storage and they already have a Special Exception for those things.

Mr. Pierson stated that Foley Oil Company has been in business for 73 years with oil service and 4 years with propane service. They need their own supply because the propane industry supply is unreliable. It will be a benefit for the community to have a supply in town. The project will not create any demands on the community because the property is currently being used for the same type of purpose. There will be no additional employees or vehicles and no extra traffic on the road. There will likely be less traffic because tractor trailers will bring in the propane supply instead of three smaller trucks. Site Plan approval was granted on Monday night. They have met with the Fire Department (FD) on the layout of the tanks and are required to meet all fire, health and safety aspects of installation.

Mr. Pierson introduced Ms. Jody Ameden, who put all of the plans together.

D. Dunham complimented Mr. Pierson on his neat, trim property. There seems to be nothing adverse about what he is trying to do.

Ms. Ameden explained that she is a consultant with 30 years experience as a mechanical engineer. She has consulted with the FD to review design and code as well as FD capabilities. State and Federal regulations require a fire safety analysis of the site and community to be sure that it is not a hardship to the community. There will be site specific training with the FD. Mr. Pierson will allow them on-site every year for training, and so that the FD knows what is on the property. They have tentative FD approval but not final approval. They need to get all Board approvals and stamped, engineered plans completed. Once the facility is constructed, the State will inspect it with the local FD.

N. Patten commented that they have a nice setup. P. Harris remarked on the aesthetically pleasing lay of the land, and that in a worst-case scenario it is still pretty protected.

J. Froumy expressed concern about how the tanks will be protected from vandalism and unauthorized people. He also asked about stormwater runoff and what the tanks will be set on. It is gravel now and permeable.

Ms. Ameden explained that a 6' industrial chain link fence and 360-degree guardrail will be used around the tanks. This will prevent trucks and plows from running into the tanks and piping. The industry standard is to only protect the piping. Foley is using good practice to have 360-degree protection even though it is not required. The tanks will be set on engineered concrete piers. The FD asked that they be stamped by a professional engineer. They will be below the frost line. The belly of the tanks will be 4 feet off the ground and go another 4 feet into the ground. All runoff will remain the same as the soil is only being interrupted for the piers.

M. Mastenbrook asked if there was a hooking system to tie down to the piers? If the front of a tank is knocked off it turns into a missile. Is there a requirement for pouring cement that will contain a rod? Ms. Ameden stated that the weight of the tank keeps it in place. Tie downs or anchors are only required if the tanks are in a flood plain.

D. Dunham expressed concern about a possible boiling liquid expanding vapor explosion (BLEVE). Ms. Ameden detailed the safety measures in place. The stanchions are designed with breakaways if a truck pulls away. Small pneumatically charged tubing wraps around all piping. It is charged with nitrogen and closes every valve in the plant if it breaks or melts. Valves are only opened with a truck transfer. Normal operation is neutral or closed. Transports are designed on the side and rear of trucks with a bar over all valves. If the bar is not in the proper position, they can't move the truck. There are also check valves in the bellies of the tanks that can be activated manually or through the pneumatics. There will be two large buttons within 100 feet that someone can push to engage the valves.

J. Froumy asked if there is a standard for inspections and periodic maintenance. Mr. Pierson stated that daily and monthly inspections will be put in place. DOT completes audits and the FD

inspects the site annually. All data is maintained on-site. The Fire Marshal will be involved in all initial permitting and the inspection for occupancy.

The Board asked if this will be the first 30,000 gallon tank in Belmont. C. Daigle answered yes. The FD will get oriented on this with the Fire Marshal and designer. Ms. Ameden reminded the Board that Foley Oil Company will be allowing site specific training and there has been discussion about using the site for training for Belmont, Laconia and responding communities.

Mr. Pierson stated that they also have security cameras on the property.

J. Froumy remarked that this is a highly technical application for those who don't understand. Code is important. The applicant has submitted information with lots of protections built in and those should be incorporated as part of the Special Exception. It is comforting to know that codes will be followed as the Board considers this application.

The chairman noted there were no abutters present.

There being no further questions or comments the chairman closed the public hearing.

BOARD ACTION – Foley Oil Company Inc.:

MOTION: J. Froumy moved to grant a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow Propane Gas bulk storage of three 30,000 gallon propane tanks as it meets the following criteria:

1. The proposal is specifically authorized as a special exception by the ordinance.
2. The Special Exception criteria set forth in Ordinance Article 13.F. does not apply.
3. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts because the property is currently used for a similar activity and it will not increase concerns.
4. The proposed location is of adequate size because the tanks will be located within setbacks and it is a use exemption. Employee and vehicle traffic will not increase, and vehicle traffic will likely decrease because there will be fewer trips required to fill the tanks.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety because the nature of the business is not one that will involve pedestrians entering, and vehicle traffic will decrease because fewer supply trucks will be required than presently.
6. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street because there will be no additional employees or use of additional water or sewer so there should be no overload. Stormwater is not a concern because surface soils will not be disturbed in any fashion.
7. The proposal does not create excessive demand for municipal services and facilities because the only service provided in addition to existing services will be annual

inspection by the Fire Department. It is improbable that other services will be required.

8. The proposal does not create hazards to the health, safety or general welfare of the public because installation will be done in compliance with codes and safety measures. The applicant will adhere to codes throughout the entire time the tanks are on the premises. Additionally, they will be subject to annual Fire Department inspections. The applicant is taking safety measures with chain link fencing and guard rails in excess of what the code requires. The applicant will conduct safety and maintenance inspections and keep records for inspections as required.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 2/27/21 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.

The motion was seconded by M. Mastenbrook and carried. (5-0)

P. Harris thanked Staff for their help with the applications. Ms. Ameden thanked the Board. C. Daigle commented on the great professional package that was presented. This will be a great addition to the community. Mr. Pierson commented that the ARC is very helpful to the process and that Belmont is the best community around to work with. Ms. Ameden said that she works up and down the Northeast and mid-Atlantic and all Boards are very different. Boards in Connecticut are similar to Belmont with their process and require just a handful of meetings. Some projects take 2-4 years to be approved in other communities.

OTHER BUSINESS:

BOARD'S ACTION -MINUTES:

MOTION: On a motion by M. Mastenbrook, seconded by N. Patten, it was voted unanimously to accept the minutes of December 19, 2018 as written. (5-0)

STAFF REPORT:

C. Daigle reported that members have been provided with Town Reports that just arrived today, as well as new law books. Members should also view the pictures of Mallard's Landing and Winnisquam Beach Campground (WBCG) on the back wall. These should be helpful when reviewing applications.

C. Daigle also reports that NHDES is watching WBCG. They are going to have to do a calculation of the entire property for lot coverage and not add coverage if they are already over. NHDES is allowing individuals to apply for permits but they have to be negative or decreased impact of impervious surfaces. Land Use Staff likes to help applicants on the front end, but sometimes

applicants want to go to NHDES first. Town regulations are different than NHDES and sometimes there are problems with plans and an applicant has already spent a lot of money. Usually surveyors will show plans to Land Use Staff before going to NHDES so that applicants can work with both codes at the same time.

NEW BUSINESS: None

ADJOURNMENT:

MOTION: On a motion by M. Mastenbrook, seconded by N. Patten, it was voted unanimously to adjourn at 7:15 pm. (5-0)

Respectfully submitted,

Colleen Akerman
Building & Land Use Clerk