

## PLANNING BOARD

Monday, August 28, 2006  
Belmont Corner Meeting House  
Belmont, New Hampshire

Members Present: Chairman P. Harris; J. Pike, G. Flack 7:04, W. Peterson, C. Patten, J. Marden and R. Caldwell.  
Alternates Present: C. Long.  
Alternates Absent: C. Shibles.  
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7 p.m. and introduced Christine Long as a new alternate member of the Planning Board.

**PUBLIC HEARING – REALTY RESOURCES CHARTERED:** Continuation of a request for site plan approval to construct a 32 unit multi-family development. Property is located on Province Road, Tax Lot 204-023 in the “RM” Zone. PB #2305

The chairman explained that the applicant has completed the required engineering and impact studies.

Mr. Terry Turner and Mr. Peter Holden presented the application.

Mr. Turner explained that the projects intention is to provide affordable housing units. The management plan has been forwarded to the Town Planner. He explained that they are applying for 32 units not for the 18 extra units that are allowed based on density. He explained that they wanted oil heat but because of wetland regulations it precludes them from having more than three 300 gallon tanks. One building will have oil heat and remaining building will have propane.

Mr. Holden explained that there is a road that goes to the spring that was abandoned by the State and discontinued by the Town. They own to the middle of that road and will not preclude access to spring. The plans will be signed by the City of Laconia because the project abuts the town line. They are making arrangements with Mr. Mooney for an easement to have the emergency lane maintained and the gate remain open. Building plans will be done by an architect. He explained that on the plan there is a reference to the units being condos but they are rental units not condos. The balance of the property will be restored. Some of it is already restoring itself. There are sixteen 2 bedroom units and sixteen 3 bedroom units. State permits will be forthcoming they are waiting on final approval.

J. Marden wanted to know about the recreational area. Mr. Holden stated that they have added one and kept the original one and designated an area for picnic tables. J. Pike wanted to know what the distance from abutters in Briarcrest is to the new apartments. C. Daigle explained that there is a boundary line adjustment later on the agenda that will correct the Briarcrest setback issues. J. Marden wanted to know if they have talked to the school about school bus pickup. Mr. Holden stated that they haven't but the school bus company sets the bus routes. C. Daigle stated that the applicant had been asked to provide a safe paved area for children to wait for the bus and they have done that. J. Pike wanted to know about the well radius. C. Daigle explained that the well radius and the quantity of water needed is determined by the State through State permits.

Mr. Craig Mazza stated that he is concerned that adding additional homes on the well because other wells on Plummer Hill have gone dry. P. Harris explained that Realty Resources has provided information on the wells. Mr. Holden explained that the water system is a public utility and regulated by the State. They are in the process of getting State approval. Mr. Mazza wanted to know what will happen if they tie into the well and the water dries up. C. Daigle explained that it is not the same system that feeds Plummer Hill Road. Mr. Mark Mooney explained that they have a well that produces water. He asked Mr. Mazza what kind of well he has. Mr. Mazza stated that he has a drilled well. Mr. Mooney stated that his water comes from an aquifer and provides enough water to supply four commercial units, 150 other units at Briarcrest and enough water for this project. They are going through the State to acquire the necessary permits. Mr. Mazza wanted to know what happens if the surrounding wells dry up. P. Harris explained that it would be a civil matter.

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

### **BOARD'S ACTION – REALTY RESOURCES CHARTERED:**

**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. Submission of final Plans (6 full sets-paper; 2 sets of site plan only):
  - a. The old Marsh Hill Spring Road was discontinued at the 1996 Town Meeting and ownership reverted to the abutters. Correct note & P/L
  - b. Plans to also be signed by City of Laconia prior to Belmont Planning Board's signature
  - c. Identify requirement that existing gravel road must be maintained as an emergency gravel, gated access from Province Road to Briarcrest with Knox padlock.
2. Note 7 on Sheet 4 references "condominium"; if this is not a condominium remove reference.
3. Any areas disturbed for material extraction outside of the approved development area shall

- be fully reclaimed as to drainage, stabilization, grade and vegetation.
4. Plans should show location of 2 vs 3 bedroom units.
  5. Submission of building plans meeting all required Building, Fire, Health and Life Safety requirements.
  6. Security for abandonment/closure, inspections.
  7. Payment of decision recording fee.
  8. Submit copies of:
    - a. easement to Briarcrest for emergency access road
    - b. easement to Briarcrest for well/water line use
    - c. easement to Realty lot owner for use/access of dry & pressurized hydrants on Briarcrest as well as hydrant lines.
    - d. well radius easement
  9. Submit evidence of public utility availability (electric, telephone, cable).
  10. NH DES Permits - Site Specific, Wetlands for road & utilities installation.
  11. NH DOT permit for driveway(s)
  12. City of Laconia confirmation and NH DES permit for sewer connection.
  13. NH DES confirmation on potable water supply availability.
  14. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
  15. Compliance hearing shall be held by Board as necessary.

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

16. As-built plans of all improvements required
17. NH Attorney General Registration
18. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
19. 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:

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

The motion was seconded by C. Patten and carried. (7-0)

**PUBLIC HEARING – JOHNGIS REALTY LLC:** Continuation of a request for subdivision approval to create a 43-lot open space subdivision. Property is located on Middle Route & Province Road, Tax Lot 215-007 in the “R” Zone. PB # 3605.

J. Pike stepped down for this application as he is an abutter. The chairman appointed C. Long as a voting member for this application.

Mr. Peter Holden and Mr. David Johnston presented the application.

Mr. Holden explained that this is a 43 cluster subdivision. The property is unique because the Tioga River goes through it. They have talked to the Conservation Commission and they are interested in managing the property along the river to keep it the way it is. They created a loop road system with one road in and out with a 75’ tree lined island in between. They are proposing a bus stop area at the end of road. Along the roadway they have added a 12’ striped bike path. The pavement will be labeled no parking bike path. They prefer having the bike path instead of sidewalks because it just an extension of the road and can be plowed by the town and snow winged back. Mr. Holden explained that it is a single family home cluster development with open space. The Conservation Committee has requested that the open space be deeded to the Commission. The access to the open spaces will be between lots 19 & 20 and lot 39 & 40. The Home Owners Association and the bus company will determine where the bus shelter will be built. The Post Office will deliver mail to each home. Every driveway will have a light that will be able to be turned off.

P. Harris explained that the applicants have completed their engineering review and traffic study.

C. Patten wanted to know if the sight distance to the north has been corrected. Mr. Holden stated the driveway has been shifted a little to the south for better grading and added sight distance. The trees need to be trimmed for sight distance. That can be done by either the Town or State with the condition that the Home Owner Association pays for it.

G. Flack wanted to know about the buffer around the property. C. Daigle stated that it is not a requirement to have a buffer around the entire cluster. Mr. Pike, an abutter, stated that most of the trees have been cut. He wanted to know if there are any plans to replant. Mr. Holden stated that Mr. Johnston and Mr. Pike can work out a plan to replant trees along the property line. Mr. Johnston stated that the land was not supposed to be clear cut but the logger did it. Mr. Paul Welcome stated that he is a logger and it is the property owner’s responsibility to mark out the site.

W. Peterson stated that the Planning Board should make sure that the open space is open to public and people will be able to continue using it. It is the taxpayers who are actually purchasing the land and access should be guaranteed. J. Marden stated there is an existing snowmobile trail there. Mr. Pike stated that the trail has been closed. R. Ball stated that there was a condition of an approval and that the trail should remain open and he will check into it. C. Daigle stated a deed would provide an opportunity for it to remain there. P. Holden stated that the snowmobile trail is in the open space with access. W. Peterson suggested that there be a pull off area for parking when using the open space. C. Daigle stated that the Conservation Commission could think about it. P. Harris stated that the wildlife

and trail system need to be preserved. W. Peterson stated they need to protect the existing snowmobile trail

W. Peterson wanted to know about the upgrades to the Brown Hill Road and Rte 106 intersection and if the applicant was going to participate in those cost. The Board discussed how the other developments that have been approved have participated and what thier involvement was. BBE Realty did upgrades to Sargent Lake Road and Amily paved 400' of a town road. W. Peterson stated that the intersection does need upgrading. Mr. Johnston stated that he doesn't agree with the Board that he should have to participate in the cost because the lots and houses that he is creating will be paying taxes and they should not have to pay in addition to that. He has agreed to everything else the Board has asked him to do including putting in a playground. W. Peterson stated that it is a combination of the developments that has created the need to upgrade the intersection based on the traffic study that was done by all the developers. P. Harris stated that the formula should be based on the traffic impact from the study. Mr. Johnston stated that he disagrees and it is not fair to penalize him for developing. G. Flack stated that last year the Board started having all developers pay their fair share based on the road impact they

have on the area. Other developers have contributed to road improvements based on direct offsite impacts because of the development. C. Daigle stated that the developments have paid a percentage based on the impact. She explained that it is not an improvement to town roads but the State is requiring an addition turn lane based on the impact from the development. The Board discussed Mr. Steve Pernaw traffic study and what improvements are necessary based on that study. The Board stated that Mr. Johnston will have to participate on the improvements based on traffic impact and the percentage fee will be based on the traffic study.

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

### **BOARD'S ACTION – JOHNGIS REALTY LLC:**

**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. Deed to town for open space, accepted by Selectmen or arrangements made for Assoc docs to include ownership/maintenance (requires additional review and approval by Board). Transfer to Town requires applicable easements, mortgage subordination, etc.
2. Deed for cistern or easement for use.
3. Association docs to be reviewed/approved by Board as they relate to items discussed during the review/approval process. Association cannot be dissolved w/out prior Planning Board

- approval.
4. Open space will remain open to the public, public access, snowmobile trail is allowed and consideration should be given to providing pull off areas along Hoadley & Middle Ret frontage.
  5. Submit confirmation from Post Office for per-lot delivery or include cluster mail box facility.
  6. Submission of final plans (2 SD-only mylars, 6 full-set paper copies and 3 SD plan-only paper copies):
    - a. Correct Sheet 13, Note 18 (refers to driveway along Middle Route).
    - b. Deduct ROW in density calculation on sheet 13. Correct open space sizes ID'd on different plan sheets including most recent lot line changes and calcs on pages 13,24,38.
    - c. Change index plan to show rec lots and revise NH DES SD approval plan for lot size change.
    - d. Final plan numbering to show tax map/lot numbers approved by Town.
    - e. To show all pin/bound info.
  7. Recording fee.
  8. Security required:
    - a. prior to any work commencing for: abandonment & inspections.
    - b. prior to plan recording for: all incomplete improvements plus pins/bounds & as-builts.
    - c. Once the plans are recorded a 10% retainage will be withheld for all work completed until the project is complete.
    - d. Security will be released as individually identified items on the security worksheet are completed.
    - e. Security will not be released for materials placed on site, but not yet incorporated into the final project construction.
    - f. A defined amount of security shall be held up to one-year post improvements to cure any evident problems.
    - g. All security amounts will be set based on an estimate submitted by the applicant's engineer subject to review and approval of the town's engineer.
  9. Submit permits for NH DES Site Specific, Subdivision, Wetlands, NH DOT Driveway, EPA notification required,
  10. Submit letters of intent from electric, cable, telephone indicating their ability to provide service.
  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. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
14. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
15. As-built plans required prior to occupancy/use.
16. Acceptance of the road/related drainage/lot easements is subject to Selectmen's action. Transfer to Town requires easements, mortgage subordination, etc. If not accepted, applicant

- will require additional review/approval by Board as to Association accepting road/responsibility. Drainage easements to Town on Middle Route if open space does not go to Town.
17. Occupancy permits will be allowed without the top coat of pavement being installed as long as required security is in place.
  18. Participate in lane upgrades to Rte 106/Brown Hill Rd intersection based on the percentage of impact from development identified by report of Stephen Pernaw.
  19. Proposed 8% road grades to certified prior to asphalt.
  20. Work with abutter on tree buffer removed along 215-006.
  21. NH Attorney General project registration.

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

22. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
23. Association shall maintain sight distance for driveway onto Province Road.
24. All exterior lighting shall be shielded from abutters and traffic.
25. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
26. No changes shall be made to the approved plans unless application is made in writing to the Town.
27. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by G. Flack and carried. (7-0)

J. Pike rejoined the Board as a voting member and C. Long stepped down.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING –BRIARCREST ESTATE LLC AND MARK MOONEY:** Request for boundary line approval to transfer 22.73 acres from tax lot 211-018 to 211-019 and transfer .45 acres from tax lot 204-023 to tax lot 211-018. Property is located on Darby Drive, Province Road and Plummer Hill Road, in the “RM” Zone. PB # 1606 &1706.

Mr. Ron Johnson and Mr. Mark Mooney presented the application.

Mr. Johnson explained that this is two boundary line adjustments. One is to correct setback issues at Briarcrest. Tax Lot 211-018 will transfer 22.73 acres to 211-019 and tax lot 204-023 will transfer .45 acres to tax lot 211-018. The density for Briarcrest limits it to 46 units. J. Marden wanted to know if Briarcrest has any open space. C. Daigle stated that it does not because it is a manufactured home park.

**MOTION:** J. Marden 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 November 1, 2006, subject to extension or waiver.

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

The chairman opened the public hearing.

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

**BOARD'S ACTION – BRIARCREST ESTATE LLC AND MARK MOONEY:**

**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. Photos – frontage/access area on Plummer Hill.
2. Copies of current deeds.
3. Submission of final plans (5 paper copies & 2 mylars):
  - a. All pins to be set and so certified on final plan.
  - b. All roads within Briarcrest and Oak Drive are private ways and their placement on the plan is not intended to be a dedication for public use.
  - c. On post approval calc note for lot 211/18 – change lot number to 204/23/1
  - d. Show adjacent zone lines
  - e. ID Oak Drive
4. Payment of decision recording fee.
5. Final plans will not be recorded until transferring deeds have been approved by the Town and are also signed and ready for recording. Mortgage subordinations also required for recording.
6. Compliance hearing shall be held by Board as necessary.

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

7. No changes shall be made to the approved plans unless application is made in writing to the Town.
8. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by G. Flack and carried. (7-0)

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – BLUE SKY ENTERPRISES INC.:**

Request for subdivision approval to subdivide one lot into three lots. Property is located at 74 Lamprey Road, Tax Lot 217-142 in the “RS” Zone. PB # 1906.

Mr. Ron Johnson presented the application.

Mr. Johnson explained that the lot is in an "RS" zone, has an existing snowmobile trail on site, a PSNH easement as well as a dwelling that is in the process of being removed. The wetlands have been delineated. The proposal is to divide one lot into three. Lot one will have the bulk of the PSNH easement on it. The driveway site distance is more than 300' on all three lots. The well and septic on the original lot have been abandoned. They have NHDES subdivision approval. A permit has been submitted for the wetlands crossing for the center lot. The owners of lot two and three will make any determination about the snowmobile trail because access is between those lots. He added the wetlands setback to the adjacent "C" zone. The existing lot will use the existing driveway up until 15' of the wetlands since it has been in place since the 1960's. There will be underground utilities. A quit claim deed to the abutter is a civil issue to be resolved between the applicant and the abutter. C. Daigle stated that the lines shown are long standing property lines and have to be resolved because the plan shows the land in question is owned by Mr. Fielders but the deeds are different. He cannot be taxed because they have to go by the deeds. If approved they would be creating a landlocked piece of property. The issue has to be resolved to show the procession of the land. Mr. Fielder stated that he owns the property in question and he has the deed to prove it. C. Daigle explained that the Town is not in a position to arbitrate it. It is up to both parties to come to a resolution. R. Ball stated that if approved the Board would be creating a nonconforming lot. A quit claim deed could resolve the problem. Mr. Johnson stated that he cannot say that the applicant would be willing to do that or not. R. Caldwell stated that it has to be fixed before the Board can grant any approvals. Mr. Fielders wanted to know what would happen if he tried to sell his property. C. Daigle explained that he needs a lawyer because the Board is not licensed to give out that kind of advice. Mr. Fielders stated that when he had it surveyed it wasn't right because he has the proof for six owners back.

**BOARD'S ACTION – BLUE SKY ENTERPRISES INC:**

**MOTION:** R. Caldwell moved that the application is not complete for the following reasons: The ownership of the separate area along the Fielder's property line needs clarification to determine if a nonconforming lot is being created. Please submit supporting documentation that this transfer can occur by the recording of this plan alone and that a separate non- conforming lot is not being created.

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

**PLAN SUBMISSION MEETING – MOUNTAIN LAKE VILLAGE:** Request for subdivision approval to create an 18 lot single family cluster subdivision. Property is located on Mile Hill Road, Tax Lot 202-012 & 202-015 in the "RS & R" Zones. PB # 1006.

Atty. Phil Brouillard presented the application.

Atty. Brouillard explained that this is an 80 lot residential subdivision with 18 lots in Belmont and 62 in Laconia. There will be 8 lots on the main access loop. There will be 50 acres of open space donated to the town and they will preserve the snowmobile trails. They have sent all required studies out

for third party review. The lots will be on sewer. This will be moderate income development with three bedroom units. DES permits are pending. He is asking for a waiver for soils. The site is 103 acres with 2/3% of it being on the preserved aquifer and preserved conservation land.

W. Peterson wanted to know if they have permission for the Belmont sewer using the Laconia system. Atty. Brouillard stated that Laconia has approved it. The lots will have water and sewer. J. Marden wanted to know who would maintain the roads. Atty. Brouillard stated there will be a municipal agreement between Laconia and Belmont on who does the work and who pays for it. It will be worked out with the between the Department of Public Works of both towns. The same will happen with the fire departments. A protocol will be arranged with the Lakes Region dispatcher to determine who response to any emergency calls. J. Marden wanted to know about the school children. Atty. Brouillard stated that the Belmont children will attend the Belmont system and the Laconia children will attend the Laconia system. The bus company will make the determination on where the children will be picked up. He will provide a bus shelter for the children. The post office will determine how the mail is handled. C. Patten wanted to know how the snow plowing will be handled. Atty. Brouillard stated that will be through a municipal agreement. W. Peterson wanted to know about sidewalks. Atty. Brouillard stated there will be sidewalks and street lights. He explained that they are going with the most stringent regulations for both towns.

#### **BOARD'S ACTION –MOUNTAIN LAKE VILLAGE:**

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

- a. Level 2 and Level 3 soils information

The motion was seconded by G. Flack 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 November 1, 2006

The motion was seconded by C. Patten and carried. (7-0)

#### **OTHER BUSINESS:**

#### **BOARD'S ACTION-MINUTES:**

**MOTION:** On a motion by C. Patten, seconded by W. Peterson, it was voted to approve the minutes of the August 14, 2006, meeting as submitted. (5-0-2) R. Caldwell and W. Peterson abstained.

#### **STAFF REPORT:**

**SCHOOL BOARD MEETING:**

C. Daigle reminded the Board of the meeting with the School Board on Sept 28<sup>th</sup> at 6:30.

**CAPITAL IMPROVEMENT PLAN (CIP):**

The Board will receive a copy of the updated CIP to review at their September worksession and it will be noticed for Public Hearing at the September 25<sup>th</sup> meeting.

**GRAVEL PIT TAX LOT 231-009:**

R. Ball showed the Board the plan for the Town gravel pit on Hurricane Road with it access through Pike's pit.

**ALEXANDER/FENDLEY SITE PLAN TAX LOT 211-062:**

The chairman signed the Fendley sawmill site plan. They did not sign the Alexander contractor's yard site plan as it hasn't met the conditions of approval. He has until October 15<sup>th</sup> to meet those conditions.

**ALTERNATE MEMBER:**

The Board signed the appointment sheet for Christine Long as an alternate member and welcomed her to the Board.

**INFORMAL DISCUSSION:**

R. Ball explained that Mrs. Soper, Tax Lot 111-046 purchased property on Fox Hill Road and would like to subdivide it. As a condition of a previous subdivision the Board required any further subdivision of the lot be tied into public sewer. The Soper do not want to do that and would like to talk to the Board about it before they proceed with a subdivision application.

**CAMPGROUND REGULATIONS:**

The Board will schedule a public hearing for campground regulation on September 11<sup>th</sup>.

**AMILY SUBDIVISION TAX LOT 229-024:**

The chairman signed the Amily subdivision plans.

**BONDS:**

C. Daigle explained that the Board does not accept bonds as security because of problems in the past. They have been working with some large projects now and Underwood Engineers suggested that the Board accept a combination of performance bonds and 10% cash for the smaller items when a project is complete. J. Pike wanted to know if someone defaults on a bond who pays the collection agency

**ADJOURNMENT:**

**MOTION:** On a motion by R. Caldwell, seconded by W. Peterson, it was voted unanimously to adjourn at 9:45 p.m. (7-0)

Respectfully submitted,

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Elaine M Murphy  
Administrative Assistant