

PLANNING BOARD

Monday, October 24, 2005
Belmont Corner Meeting House
Belmont, New Hampshire

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

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

PUBLIC HEARING – A.E. MITCHELL: Request to extend the term of a previous Site Plan approval (originally approved on 9/23/93) allowing construction of a commercial building for one additional year (9/2006). Property is located on Laconia Road & Bryant Road, Tax Lot 230-101, in the “C” Zone. PB # 3405.

Mr. Al Mitchell was present.

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

BOARD'S ACTION – A.E. MITCHELL:

MOTION: J. Pike 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 12/28/05 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: W. Peterson I move that the application for extension 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 DES Septic
2. Submission of DOT Driveway upgrade
3. Submission of Security/escrow
4. Sign Plan, Record Notice, Fee Due
5. Submission of stormwater management plan
6. All conditions of the original approval and extensions shall remain in effect.
7. Extension is to September 23, 2006.
8. Project shall remain in compliance with all applicable public health and other regulations and ordinances.
9. EPA notification be given as required.

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

PUBLIC HEARING – RTE 106 REALTY TRUST: Request to extend the term of a previous Site Plan approval (originally approved 7/10/98) allowing construction of two commercial buildings for one additional year (9/2006). Property located on Laconia Road, Tax Lots 210-007 & 210-008, in the "C" Zone. PB # 3505.

Mr. Al Mitchell presented the application.

J. Pike wanted to know if a building next door had been removed. Mr. Mitchell stated that one has been removed.

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

BOARD'S ACTION – RTE 106 REALTY TRUST:

MOTION: W. Peterson 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 12/28/05 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: C. Patten moved that the application for extension 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 DES Septic
2. Submission of DOT Driveway upgrade
3. Submission of Security/escrow
4. Sign Plan, Record Notice, Fee Due
5. Submission of stormwater management plan
6. All conditions of the original approval and extensions shall remain in effect.
7. Extension is to September 23, 2006.
8. Project shall remain in compliance with all applicable public health and other regulations and ordinances.
9. EPA notification be given as required.

The motion was seconded by W. Peterson and carried. (5-0)

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

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

Mr. Bailey stated that there have been no significant changes to the plan since the design review. C. Daigle stated there are no waiver requests.

BOARD'S ACTION – ROBERT REED:

MOTION: W. Peterson 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 12/28/05 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (5-0)

PLAN SUBMISSION MEETING – JOHNGIS REALTY LLC: Request for subdivision approval to create a 43 lot cluster subdivision. Property is located on Middle Route & Route 107, Tax Lot 215-007 in the “R” Zone. PB # 3605

J. Pike stated that he is an abutter and stepped down from the Board for this application.

Mr. Pike, an abutter, stated that he strongly recommends a stormwater management plan. They have roughed in a road and driveway and he has a major concern about what happens when the runoff reaches Rte 107.

Mr. Dalton, an abutter, stated that the owner has applied for a wetland permit and he wanted to know how it will affect the Board’s decision. C. Daigle explained that they have to have a State permit in hand prior to construction if there are any wetlands on the plans. She also stated that there are no waiver requests for this

application.

BOARD'S ACTION – JOHNGIS REALTY LLC:

MOTION: W. Peterson 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 12/28/05 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (4-0)

MOTION: W. Peterson moved to require an independent review of stormwater management and road construction plans. And participation in the cost of recently completed traffic study which included the project in the cumulative traffic impact analysis.

The motion was seconded by R. Caldwell and carried. (4-0)

J. Pike rejoined the Board.

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

Mr. Paul Fluet presented the application.

Mr. Fluet used the existing condition plan to show the wetlands, the existing storm drains and the existing sewer that extends to the back of the property. The proposal is for a three bay carwash with parking in front for vacuuming vehicles. They will put in additional catch basins and a stormwater infiltration system. There is no high water table on the property. They will connect to town sewer and have an oil/water separator system. The water supply will consist of a private well and a 7,000 gallon storage tank for wash water. They are also putting in a water line for future connection if the town’s water is extended.

P. Harris wanted to know if there will be a change in the impermeable surface. Mr. Fluet stated it would be increasing but it will remain within the regulations. J. Pike had concerns about ground water runoff. Mr. Fluet stated that they will be connecting to the existing catch basin. There will be a retention pond and infiltration area for ground water. He has done this design in other places and it has worked well. P. Harris wanted to know if the water withdrawal will affect other wells in the area. Mr. Fluet stated that the wells on site now are dug well and the new one will be a bedrock well. J. Pike wanted to know if the existing wells will be closed off. Mr. Fluet stated that they will stay as they are now and he thinks they have covers on them. If water is not enough from the bedrock well they could use the dug well as backup. They will secure the existing wells.

C. Daigle stated that when they design the stormwater management plan they need to know what the soils, are not use just an overlay on the county maps. Mr. Fluet stated that he has personal knowledge on what is out there and is willing to do another test pit if warranted. R. Caldwell stated that it might serve a purpose to do

another test pit. Mr. Fluet wanted to know if they could accept the application as complete tonight or would they have to come back to the Board when the other test pit is dug. C. Daigle suggested that it could be a condition of approval.

BOARD'S ACTION – JOHN DAIGLE:

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

Soils map & report. (conditional on providing test pit data and keying soils to current NRCS types)

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: J. Pike 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 12/28/05 subject to extension or waiver.

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

PLAN SUBMISSION MEETING & PUBLIC HEARING – JOHN DAIGLE: Request for SD approval to subdivide one lot into two. Property is located at 276 Daniel Webster Highway, Tax Lot 102-009 in the “C” Zone. PB #3805

Mr. Dean Clark presented the application.

Mr. Clark explained that this is a one lot subdivision. They are taking one acre from the larger lot and the two lots will share a common entrance. They are on city sewer so the well radius is only 10'. They are asking for a waiver for showing info within 100' off site. He explained that Piches had a plan done 5 years ago and they are staying away from the Bladecki property. They are also asking for a waiver from surveying the remaining property because they are not sure of what they will be doing on the back of the lot. The NRCS soils are on the plan.

C. Daigle stated that there is an existing campground that is grandfather on the rest of the lot. Does the owner plan on continuing the campground since the infrastructure will no longer exist? Mr. John Daigle stated that there is signage on property that the property is no longer a campground. C. Daigle stated that it should be clarified. Mr. Clark stated that Attorney John Giere could get a letter from Mr. Wagner stating what his intentions are.

MOTION: C. Patten moved to grant the following waiver:

Soils map & report.

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

J. Pike stated the campground is a non conforming use. C. Daigle explained that it is a permitted use but was in use before site plan approval was necessary. She wanted to know how the infrastructure would work if the campground use continued. J. Pike stated that it ceased being a campground when the pool and office ceased to exist and the land is being subdivided. Mr. Clark explained that they will have to come before the Planning Board if they put in a new office, pools etc.

BOARD'S ACTION – JOHN DAIGLE:

MOTION: J. Pike 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 12/28/05 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (5-0)

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

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

1. Waive info w/in 100' off site.
2. Waive survey of remainder lot.

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: W. Peterson moved I move 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. Plan (2 mylars, 5 paper copies, recording fee):
 - a. Add Daniel Webster Highway to road name.
 - b. New lot will be 102-009-001.
 - c. Aquifer statement is incorrect. At least half of the lot is within the aquifer as shown on the map.
 - d. Underground utilities.
 - e. All pins to be set and so certified on final plan.
 - f. All proposed driveways accessing onto paved road to have paved aprons.

- g. Access is a private way and it's placement on the plan is not intended to be a dedication for public use.
- 2. NH DOT driveway upgrade.
- 3. Define access for remaining lot.
- 4. Show consistent SB on site line.
- 5. Narrative:
 - a. Describe all uses that will continue on remaining lot.
 - b. Future development activity.
 - c. How utilities serve rear lot.
 - d. How utilities serve rear lot.
- 6. Copy of property deed.
- 7. Compliance hearing shall be held by Board as necessary.

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

- 8. Remove house bisected by new property line.
- 9. Once this is executed the grandfathered campground use for the rear lot will cease unless additional approvals are obtained.

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

- 10. No changes shall be made to the approved plans unless application is made in writing to the Town.
- 11. Approvals is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by R. Caldwell and carried. (5-0)

PLAN SUBMISSION MEETING & PUBLIC HEARING-- JACOB DONIGAN FOR THOMAS

EDWARDS III: Request for Subdivision approval to subdivide one lot into two lots. Property is located on Farrarville Road, Tax Lot 224-030 in the "R" Zone. PB # 3205

Mr. Kevin Hatch presented the application.

Mr. Hatch stated that he has withdrawn the waiver request for submitting photos but is still requesting a waiver for soils reports & mapping.

BOARD'S ACTION – JACOB DONIGAN FOR THOMAS EDWARDS III:

MOTION: W. Peterson moved to grant the following waiver:

- 1. Soils report & mapping.

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: W. Peterson 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 12/28/05 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (5-0)

The chairman opened the public hearing to the public.

Mr. Hatch stated that this is a 56 acre site off Rte106. The purpose of the subdivision is to clean up the estate. They are taking 5 acres with the house and leaving the remaining 51 acres. The wetlands have been delineated on the existing house lot. There is a GIS survey for the entire property. The abutter's book and page deed recording information will be put on the plan. The pins have been set. The zone line has been labeled. The existing driveway is gravel and will be labeled on the plan. The woodroad is labeled as a driveway and meets the sight distance. He added utilities and houses within 100' to the plan. He stated that the existing house has overhead utilities and they are not planning on putting another house on the remaining lot but with the overhead utilities at the road they would like to utilize them. Every other house in the area has overhead utilities but they will go with underground utilities if necessary. He has provided an 11' x 17' current use plan showing 1 acre out of current use. The subdivision plans are stamped by wetland scientist. Mr. Hatch wanted to know if they needed a paved apron because it is not necessary at this time because the lot is not being used. C. Daigle wanted to know what the sight distance for the driveway is? Mr. Hatch stated that it exceeded 300' over the hill and in the other direction it is over 800'.

J. Pike addressed the overhead vs underground utilities. He stated that the proposed buyer should be aware that underground utilities are required.

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. 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 (2 mylars, 5 paper copies, recording fee):
 - a. Survey of entire lot/indicate survey standards on plan.
 - b. Abutters Bk/Pg deed recording info
 - c. Set/certify all pins/bounds.
 - d. Show lot line as zoning line along NE line.

- e. Zone is Rural
 - f. Show existing on-site septic system
 - g. Iron rod/pipe found/to be set same graphic. Correct.
 - h. ID Existing driveway a is gravel or paved
 - i. New lot to either show driveway or indicate it can be placed anywhere along the frontage.
 - j. Show buildings, driveways, wells/radii, septic, etc. w/in 100' of property.
 - k. Utilities for new lot to be all installed underground
 - l. One paper plan showing existing area not in current land use
 - m. Stamped by certified wetlands scientist
 - n. All proposed driveways accessing onto paved road to have paved aprons.
2. Application to indicate current land use info
 3. Compliance hearing shall be held by Board as necessary.

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

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

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

PUBLIC HEARING – BBE REALTY, LLC: Continuation of a request for open space Subdivision approval to subdivide one lot into 38 lots. Property is located off Sargent Lake Road, Tax Lot 238-004 in the “R & RS” Zones. PB # 0705

Atty. Paul Bordeau, Mr. Tom Selling, Mr. Steve Nix and Mr. Richard Gagne presented the application.

Atty. Bordeau stated that they are asking for conditional approval. There are a couple of small items to be addressed. He stated that there has been communication between staff, Mr. Gerald Lang and Mr. Tom Selling on what needs to be built on site in regards to drainage. Mr. Selling has incorporated Mr. Lang's suggestions into his plans even if it is over kill because they want to move forward. There is a discussion on the open space as to whether the town wants a town easement for conservation and the town's ability to enforce the covenant document. He stated that these are recorded documents and can be enforced. They plan to have a homeowner's association and with 54 homeowners to enforce the covenants it is self policing. The policing will be on the home owners level because of the number of people that will be involved. The Town has the right to enforce the covenants if the Town takes the easement. He stated that it is Mr. Gagne's intention that the area be a show place of Belmont on what can be developed. Atty. Bordeau referred to Mr. Russ Thibeault's report which did not include the land use penalty and as a result it was misinterpreted by the press. The net cost of the project to Belmont would be \$17,000 based over 10 years.

C. Daigle wanted to know about the hours of construction. Would it be 7am to 7 pm seven days a week? Mr. Gagne stated that it would be six days a weeks Monday through Saturday 7am to 7 pm. J. Pike reminded

Mr. Gagne that there will be no mineral removal or mining in the open space area. Atty. Bordeau agreed and stated that there was miscommunication in the past on what could be done and they will comply with the conditions of approval. J. Pike stated that these are good faith approvals and the conditions were written and need to be followed. Atty. Bordeau stated that this project has taken a long time to get approval. J. Pike stated that it has because of previous things that took place on the site. He stated that he has visited the site and listened to abutters. This is a large project and is better laid out now than it was three years ago. By giving their approval the Planning Board believe in the engineers and applicants to proceed as they stated. J. Pike wanted to know about the covenants for the open space. C. Daigle stated that covenant concerns can be ironed out as part of the approval. J. Pike wanted to know where they stand with the Conservation Commission on what will happen to the open space. C. Daigle explained that the Conservation Commission had questions about if a stewardship can be put in place and if not could a conservation easement be done.

J. Pike had concerns about the road grades being certified prior to development. In the first phase there was an issue concerning the road pitch and drainage. C. Daigle stated that the engineer who designed it has to certify that is constructed as shown on the plan. Mr. Selling stated that J. Pike is referring to the culvert replacement and the Town purchased the pipe and Mr. Gagne put it in during the upgrade. C. Daigle clarified that there is only one section of work that needs to be done that will be taking place in the public ROW. J. Pike wanted to know if this should be addressed before Mr. Selling obtains this approval. Mr. Gagne has already widened the road and put in a retention pond in towards Badger Brook. Will the work be completed before phase 2 is done. Mr. Gagne stated that they have to coordinate between himself and the Public Works Director. The wetland permit has to be satisfied.

C. Daigle stated that the Economic and traffic studies results are completed. The traffic study has resulted in recommending some upgrades to Brown Hill Road and Rte 106 but because the applicant has done significant upgrades to Sargent Lake Road staff is not recommending he participate in the upgrade to Brown Hill Road.

C. Daigle explained that the covenants and deed restrictions are available for review. W. Peterson addressed the conservation easement for the open space. The conservation easement is not the issue but whether the Town can enforce the covenants and if so how can it be enforced. C. Daigle stated that they are requesting the homeowner's association form a stewardship. This gives the association a purpose and keeps communication open among the members. J. Pike stated that the people on Forest Drive have a share in the open space. Atty. Bordeau stated that they do but they are not required to join the phase 2 association but they have rights to enforcement. Atty. Bordeau stated that he wrote three letters to the original owners of phase 1 on Forest Drive to make them aware of the changes to the open space. J. Pike wanted to know if the deeds in phase 1 give them any rights to the green area. Atty. Bordeau stated that they have deeded rights to any open space in phase 2 and they have the right to enforce the covenants. The conditional approval was not vested because it did not meet the conditions of approval. They have the right to use the open space. C. Daigle stated that the final configuration of open space has increased.

Ms. Karen Gilbert wanted to know if the hours of operation could be adjusted on Saturdays. Twelve hours a day on Saturday is a lot considering the project will last for eight years based on the projected rate of build out. She also wanted to know who is responsible for the two retention ponds that were designed to hold

back water. Her road, Sargent Lake Road, and her septic system are flooded. The water is flowing from west to east. Mr. Gagne stated that he has pictures of the storm and there is no water coming down the road. Ms. Gilbert stated that still pictures don't show water. Water is still coming off Mr. Gagne's property and gathering on the west side of road then going to the east side of the road. She is willing to walk up on Mr. Gagne's property to see where it is coming from. R. Ball stated that he will check it out. C. Daigle stated that all work has to be done as designed. Ms. Gilbert stated that the work on Sargent Lake Road was built as approved and there is a collection of ground water near the fire hydrant because of the elevation of the road and it needs to be filled in. Mr. Gagne stated that he has gone out and looked at the situation and it is seepage coming out of dam. Ms. Gilbert stated that the area has been sandbagged and DES and Mr. Tony Brown determined that it is ground water. P. Harris stated that there has been runoff in the past and Mr. Gagne is not responsible to fix preexisting conditions only to control the runoff created from his development. Ms. Gilbert stated that it has never been like this. W. Peterson stated that there has never been rain like this before. J. Pike wanted to know if this is in the area that is slated to be repaired in the next few years. Mr. Gagne stated that the system that will be put in will collect the water on his side so it doesn't have to cross the road. Mr. Selling stated he is working with Mr. Lang and they have looked at alternatives such as dual pipes to take the water under Aiden Circle and divert it to a wetland ditch thru a culvert system and detain it in Mr. Gagne's retention pond. Ms. Gilbert stated that the water is going across her property. Mr. Selling stated that the culvert will be replaced on the west side of the road with a road side ditch that diverts the water to the retention pond. Ms. Gilbert wanted to know if it is an open or closed ditch. Mr. Selling stated that it is an open ditch. P. Harris wanted to know if there are any calculations on the runoff before there was any disturbance of the property. Mr. Selling stated that the assumption is conservative and some models didn't happen. The models presented the worst case scenario. The result is the culverts and retention pond are designed bigger than necessary. The drainage infrastructure has a series of culverts draining to catch basins to the retention basins. There are six catch basins on the property. They added two more catch basins designed as a riser pipe to let the water out at a slower rate. J. Pike stated that the rough in of the wood road has led to some of the problems. Mr. Selling stated that it was created long ago and the weather created extenuating circumstances with the rain of the last three weeks.

Mr. Gagne addressed the concern of creating too much noise during construction. He stated that a woman came up Aiden Circle and didn't know he was there. In the beginning he was working closer to Sargent Lake Road and now he is working 2000' back and it shouldn't be so noisy. He also stated that it is just carpenters that work on Saturday he doesn't work on Sundays. Ms. Gilbert stated that she is okay with carpenter doing inside work, it is the banging of buckets on rocks that is causing the disturbance. She reiterated that this is an eight year project and she shouldn't have to be subject to the noise for that amount of time. J. Pike stated that Mr. Gagne wants to complete the project as soon as possible. He asked Mr. Gagne if there could be no heavy equipment used on Saturday. Mr. Gagne stated that if he is making too much noise then Ms. Gilbert should come up and ask him to stop. He doesn't want to give up Saturday. Ms. Gilbert stated that the open site work is the problem. W. Peterson asked Mr. Gagne if he would agree to a 4:00 PM deadline on Saturdays. Mr. Gagne agreed to working between 8 AM and 4 PM on Saturdays. Atty. Bordeau stated that the loop road is going to be built in sections and roughing in the road will be for a short duration. C. Daigle stated that there are 37 houses that will be built and that require excavation. Ms. Gilbert stated that she is okay with that as long as it is quiet on Sunday and half days on Saturday, carpentry is okay. Site work is the issue as it echoes off the lake. P. Harris stated that Mr. Gagne has a limited time to get things done. Mr. Gagne stated that he will agree to 8 AM to 4 PM on Saturdays and during the summer time he would like to get started as early as possible.

W. Peterson wanted to know what view shed clearing is. C. Daigle stated that is cutting to create a view. Mr. Gagne stated that he will not be doing any view cutting in the open space. W. Peterson stated that there will be no motorized vehicles allowed on the trails. Mr. Gagne stated that dirt bikes and 4 wheelers are tearing up the area. C. Daigle stated that they will look at the standard language to meet what they want to see happen on the property. R. Caldwell stated that it is not part of the State's trail system. It is part of the Bogie Buster trail system. J. Pike stated that it is in line with what the Conservation Commission wants. W. Peterson stated the Conservation Commission has no interest in snowmobiles or 4 wheeler trails. J. Pike stated if it is part of the State's trail system he would like to see it stay. Atty. Bordeau stated there is no easement for that trail. Atty. Nix stated that there is a specific statute that requires written permission to use the trails and if it is not written then it is unlawful and considered a trespass if someone uses the trail. J. Pike stated that there has been a maintained trail there. Atty. Nix stated not since Mr. Gagne owned the property. Mr. Gagne stated that it would have to be the property owner's decision to decide if they want to keep the trail open. Atty. Nix stated that they could amend the covenant if the homeowner association agrees that snowmobiles can use the trail.

J. Pike wanted to know about the sidewalks. Mr. Selling stated it will be a paved with a white striped area with pedestrian markings. J. Pike also suggested that they lay out the lots to include a carriage light at the end of each driveway. The homeowners can control when it gets turned on. P. Harris stated that this is a safety issue with people walking around the development.

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

BOARD'S ACTION – BBE REALTY, LLC:

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.

1. Resolution of open space ownership/management to meet the minimum standards applied by the Board during the public hearing process/approval of this plan and as generally defined below.
 - a. tree removal only under a formal forestry plan designed by a licensed forester experienced in conservation properties for the purpose of forest maintenance,
 - b. accepted forestry practices not to include clear cutting,
 - c. no structures except those determined to provide an essential service by the planning board,
 - d. no mineral removal/mining in the open space,
 - e. No view shed clearing,

- f. all trail construction or other disturbance to be preapproved by conservation commission to avoid impacts to natural resources such as slopes, wetlands, water bodies, endangered species and wildlife habitat,
 - g. no motorized vehicles with the exception of maintenance vehicles approved by the Town or snowmobiles if approved by the Association,
 - h. The Planning Board is authorized to require site inspections by their agents
 - i. Access is otherwise restricted to lot owners as defined by the docs
 - j. Use allowed is passive recreational – may include open space recreation areas such as ball fields or playgrounds with prior Board approval
 - k. Additional language as necessary to meet the purpose of the common space (see also language offered by the applicant).
 - l. If the Conservation Commission is not the entity that will develop and administer a formal stewardship plan, applicant shall submit a formal stewardship plan incorporating the requirements of the Board. Documents required by subdivision approval must be approved by the Planning Board.
 - m. Town acceptance of any real estate/interests requires mortgage subordination and easements as applicable.
2. Any conditions resulting from Traffic Report - None.
3. Covenants:
- a. Require document to be recorded at time common area transfers to Association.
 - b. Clarify that common driveway maintenance does not transfer to the Town with the road.
4. Submission of final plans (2 mylars, 8 paper copies):
- a. Mail delivery and bus stop areas dedication.
 - b. Street signage/markings (name, stop, speed, pedestrian/bike sidewalk marking).
 - c. Meet final independent engineering review requirements.
 - d. All pins to be set and so certified on final plan.
 - e. All proposed driveways accessing onto paved road to have paved aprons.
 - f. All utilities over head in the ROW and underground to the houses.
 - g. Specifics for easements for all out of ROW drainage areas to be shown on plan
 - h. If the road is transferred such easements shall be included.
 - i. On road/sidewalk typical include signage or marking for pedestrian strip.
 - j. Fire Protection choice of residential sprinklers to be noted on plan.
 - k. One paper plan showing existing (non)Current Land Use areas.
 - l. Existing trails.
5. Security:
- a. Prior to any site work – Abandonment, inspections.
 - b. Prior to recording – Cost of all incomplete improvements (including as-built plans and road/lot monuments).
 - c. Plan recording, building and occupancy permits requested prior to construction completion are subject to having required security in place based on an approved engineer's estimate.

- d. Engineer's cost estimate for setting any escrow shall include as-built plans and pins/bounds.
6. Payment of plan recording fee.
7. Permits:
 - a. NH DES Site Specific.
8. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
9. Compliance hearing shall be held by Board as necessary.

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

10. EPA NPDES notification.
11. Road grade shall be certified prior to pavement application.
12. Release existing culdesac easement.
13. Buildout:
 - a. All pins, road bounds.
 - b. As-built plans required for all required improvements.
 - c. Follow Town inspection schedule
 - d. Applicant has proposed buildout schedule to comply with RSA 674:39
 - e. Prior to each road construction segment commencement, Town shall approve proposed process including how the segment will be built to coordinate w/existing future segments, how emergency vehicle access will be assured, timing of construction/road opening, construction staging areas, etc.
 - f. Disturbed areas shall be limited to those within the constructed road/drainage/slope limits and as necessitated under a valid individual site building permit.
14. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
15. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
16. Hours of construction operation Monday through Friday 7 AM to 7PM. Saturday 8 AM to 4 PM.
17. Street lighting at the intersection of the loop road.
18. Electrical drop for post lighting provided at each driveway.

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

19. Security - Up to one-year post improvements to cure any evident problems in improvements.
20. NH Attorney General project registration.
21. Approval of this proposal does not signify acceptance of road by Town (Selectmen's jurisdiction).
22. All exterior lighting shall be shielded from abutters and traffic.
23. No changes shall be made to the approved plans unless application is made in writing to

the Town.

24. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by R. Caldwell and carried. (5-0)

PUBLIC HEARING – SUN LAKE VILLAGE: Continuation of a request for Subdivision approval to create a 24 lot cluster subdivision. Property is located at 631 State Route 3, Tax Lot 101-001 in the “C” Zone. PB #1405

Mr. Bill Stack presented the application.

Mr. Stack addressed the outstanding issues. He stated that they removed the docks at this time and will submit an amended deed and covenant. The mail boxes, bus stop and signage will be adjusted to meet zoning regulations. Stewardship can be addressed through the covenant. Sight distances for some lots fall within 200’ so they will reduce the speed to 20 MPH to cover the sight distance. There will be 4’ wide paved area for pedestrian access. They are asking that the 4’ strip be limited to the main lot. There will be a 20’ easement for the bike trail. The third hydrant will be added to plan when they know where the water line on Rte 3 is going. Street lighting is shown on the plan and lot sizing will be submitted. A letter has been submitted to the Planning Board that answered Mr. Lang’s issues. They were only minor issues and the plans have been changed to accommodate his recommendations. Ponds remain the same and the pipe size has increased.

Mr. Stack stated that Mr. Brouillard wants it noted that the development is a positive addition to the tax base according to the economic study. He explained that there is a 35’ easement centered on the existing road. They will add fill to the side of the road to meet the grade and have to deal with matching grade as per the State’s requirement. The access is gravel and the proposed access is further in than the existing one. All slopes will be loamed and seeded. There is no other access to get to this property. There will be no removal of buildout material taken from or used on site. The hours of operation will be 7 AM to 7 PM five days of the week and Saturday will be a half day. The buildout time will be 18 months.

J. Pike stated that the normal width of the easement is 50’ and he has an issue with it being 35’. The bike easement is 20’. People will not be walking to the mailboxes they will drive and the road needs to be wider. P. Harris wanted to know how the bus will turn around. Mr. Stack stated the bus stops on Rte 3. The morning peak traffic hours will be between 7-8 AM and the afternoon peak hours would be 4:30 PM. Mr. Stack addressed the issues concerning the entrance, the mailboxes, bus stop and access to Rte 3. He stated that walking on Rte 3 is not safe.

BOARD'S ACTION – SUN LAKE VILLAGE:

MOTION: R. Caldwell moved to grant the following waiver:

1. 50’ required for road ROW (initial road section only).

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

MOTION: J. Pike moved that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

Conditions to be complied with or secured (as appropriate) prior to plan being signed and decision recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and decision recorded.

1. Access/use of adjacent waterfront property in relation to this development to meet requirements of Ordinance or be eliminated at this time. Applicant can make future application to the Planning Board if the use is considered at some time in the future.
2. Submit amended Covenants:
 - a. Delete reference to beach.
 - b. Delete reference to turning roads over to Town.
 - c. Define what uses will be allowed in open space.
 - d. Association cannot be dissolved w/out prior Planning Board approval.
3. Mail delivery/bus stop structure and sign to meet setbacks.
4. Ownership of common area by Association requires stewardship plan (annual inspections, contact person, alternative in case Association is non-functioning).
5. Submission of final plans (2 mylars, 7 paper copies)
 - a. Sight distances for driveways to meet minimum required sight distance.
 - b. Plans and typical road section to show 4' pedestrian strip to Rte 3.
 - c. Note there will be no disturbance of ground and no material placed closer to the wetland along the access road than the current road.
 - d. All pins/bounds to be set and so certified on final plan.
 - e. Surveyor to seal/sign final plans.
 - f. Payment of plan recording fee.
 - g. Road profile plan, sheet 5, correct "Horse Shoe Drive" to "Hueber Drive".
 - h. Final plans to indicate tax map #s. Except for lots 17 & 18 – all lots to be ID'd as Tax Map 101 and Lot # shall be the same as the development number. Lot 17 shall be tax map/lot 102/14/1 and Lot 18 shall be tax map/lot 102/14/2.
 - i. One paper plan showing existing (non)Current Use areas.
 - j. Show 3rd hydrant on plans.
 - k. Show any street lighting.
 - l. Street signage/markings (name, stop, speed, pedestrian/bike sidewalk marking) 20 MPH speed limit sign.
6. Design:
 - a. Any conditions resulting from:
 1. Road/stormwater management plans review.
 2. Economic impact study. None.
7. Security:

- a. Prior to any site work – Abandonment, inspections
 - b. Prior to recording – Cost of all incomplete improvements (including as-built plans and road/lot monuments).
 - c. Up to one-year post improvements to cure any evident problems in improvements.
8. Submit updated Quality Assurance Program
- 1.C. escrow may include cost of town staff and town appointed engineer
 - 1.E. Board shall appoint who certifies final compliance
 - 2.G. Replace Gary with Rick Ball, Land Use Technician and David McLelland Water Department
 - 3.B. Replace Gary with Rick Ball, Land Use Technician
 - 4.B.2. Frank Clairmont is Sewer Supt, not Water & Sewer Supt. Replace Gary with Rick Ball, Land Use Technician
 - 5.B.2. Replace Frank Clairmont with David McLelland, Water Department. Replace Gary with Rick Ball, Land Use Technician
 - 6. Add:
 - a. remove temporary erosion control measures when stabilized
 - b. permanent vegetation established
 - c. such other operations and frequencies found necessary by the Town
9. Permits:
- a. NH DES Community Water supply or Belmont Water Department permits to connect.
 - b. Town of Belmont Sewer.
 - c. NH DOT Driveway
 - d. NH Attorney General project registration
 - e. EPA NPDES notification.
 - f. If a cistern, easement to Town for access/use of cistern.
 - g. Letters of intent from electric, cable, telephone indicating their ability to provide service.
10. Compliance hearing shall be held by Board as necessary.

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

- 11. As-built plans required for all required improvements (of special note would be certification of maximum allowed 8% road grade).
- 12. All applicable water/sewer tests.
- 13. Water & sewer connections to be constructed to meet all local/state regulations.
- 14. Follow Town inspection schedule.
- 15. All infrastructure will be completed w/in 18 months and buildout will occur within 48 months (complies with 674:39). There will be no phasing of improvements.
- 16. Construction shall be monitored and certified by a consultant at the applicant's expense.
- 17. 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.
- 18. Turn out parking adjacent to mailboxes/bus stop area.

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

19. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
20. All exterior lighting shall be shielded from abutters and traffic.
21. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
22. No changes shall be made to the approved plans unless application is made in writing to the Town.
23. Approval is subject to expiration, revocation and changes in the Ordinances.
24. CU Penalties will be paid.

The motion was seconded by W. Peterson and carried. (5-0)

The chairman stated that the Board usually does not hear any applications after 10 PM. He polled the Board and it was the consensus of the Board to hear the remaining applications.

PUBLIC HEARING – AMILY MANAGEMENT LLC: Continuation of a request for Subdivision approval to create a 23 lot cluster subdivision. Property is located on Grimstone Drive and Wild Acres Road, Tax Lot 229-024 in the “R” Zone. PB # 2605

Mr. Tim Jordan, Mr. Roger Roy and Mr. Dean Clark presented the application.

Mr. Jordan explained that there have been minor changes to the lot lines and relabeling of the 410' pavement on Wild Acres Drive. W. Peterson wanted to know about the two lanes proposed for the upgrade on Rte 106 from Brown Hill Road. C. Daigle explained that she talked to Mr. Prescott about the comments from abutters and suggested that he meet with Public Works Director, Bob Bennett. The two met and came to an agreement that the Public Works Department would grind and prepare the base and Mr. Prescott would pave 410' of Wild Acres Drive. She recommends that this be part of his participation in the road improvements. There are other alternatives through the State for the improvements to Rte 106. The Town could take care of the Brown Hill Road improvements. Terra Firma and Johngis are still coming in and may contribute to some of the other improvements outlined in the traffic study. J. Pike stated that Mr. Pernaw made the recommendation that the turn lane is needed now. P. Harris wanted to know when the signal would be needed. C. Daigle stated that when the sites are all built out they would have to review the traffic again to make a determination if a signal is needed. Mr. Jordan stated that he feels they are making a contribution by the upgrading Wild Acres Drive. They will be paving a 20' wide by 410' section of the road and the Town will prepare the base and grind it. Mr. Jordan stated that they are offering the open space in fee to the Town.

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. Resolution of open space ownership/management to meet the minimum standards applied by the Board during the public hearing process/approval of this plan and as generally defined below.
 - a. tree removal only under a formal forestry plan designed by a licensed forester experienced in conservation properties for the purpose of forest maintenance,
 - b. accepted forestry practices not to include clear cutting,
 - c. no structures except those determined to provide an essential service by the planning board,
 - d. no mineral removal/mining,
 - e. all trail construction or other disturbance to be preapproved by conservation commission to avoid impacts to natural resources such as slopes, wetlands, water bodies, endangered species and wildlife habitat,
 - f. State who has access and at a minimum the Planning Board is authorized to require site inspections by their agents
 - g. Use allowed is passive recreational – may include open space recreation areas such as ball fields or playgrounds with prior Board approval
 - h. Additional language as necessary to meet the purpose of the common space.
 - i. If the Conservation Commission is not the entity that will develop and administer a formal stewardship plan, applicant shall submit copies of approved covenants and a formal stewardship plan incorporating the requirements of the Board including annual inspections w/reports to Town.
 - j. Existing snowmobile trail approved uses in the open space shall remain.
2. Town acceptance of any real estate/interests requires mortgage subordination and easements as applicable. If any lots are to be transferred prior to Town's acceptance of the road, funds to create an Association shall be escrowed to cover the possibility that the Town does not ultimately accept the road and notice shall be included in lot deeds that they may be subject to joining an association for that purpose.
3. No conditions resulting from Traffic Report.
4. Pave 410' of Grimstone Drive.
5. Submission of final plans (2 mylars, 8 paper copies):
 - a. Meet final independent engineering review requirements.
 - b. All pins to be set and so certified on final plan.
 - c. All proposed driveways accessing onto paved road to have paved aprons.
 - d. Specifics for easements for all out of ROW drainage areas to be shown on plan. If the road is transferred such easements shall be included.
 - e. One paper plan showing existing (non)Current Land Use areas.

- f. Dedication of road subject to acceptance.
- g. Any view shed areas.
- h. Tax Map & Lot numbers of lots (coincident w/development lot #s).
- 6. Security:
 - a. Prior to any site work – Abandonment, inspections.
 - b. Prior to recording – Cost of all incomplete improvements (including as-built plans and road/lot monuments).
- 7. Payment of plan recording fee.
- 8. Permits:
 - a. NH DES Site Specific, Subdivision & Wetlands.
 - b. NH Attorney General project registration.
 - c. Belmont curb cut & Selectmen's permit to work in road ROW.
- 9. Submit final lot sizing calcs
- 10. Submit Quality Assurance Program.
- 11. Compliance hearing shall be held by Board as necessary.

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

- 12. EPA NPDES notification.
- 13. Road grade shall be certified prior to pavement application.
- 14. Buildout:
 - a. All pins, road bounds.
 - b. As-built plans required for all required improvements.
 - c. Follow Town inspection schedule
 - d. Applicant has proposed buildout schedule to comply with RSA 674:39
 - e. Disturbed areas shall be limited to those within the constructed road/drainage/slope limits and as necessitated under a valid individual site building permit.
- 15. Electrical drop provided at each driveway for post lighting.
- 16. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
- 17. 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:

- 18. Security - Up to one-year post improvements to cure any evident problems in improvements.
- 19. Approval of this proposal does not signify acceptance of road by Town (Selectmen's jurisdiction).
- 20. All exterior lighting shall be shielded from abutters and traffic.
- 21. No changes shall be made to the approved plans unless application is made in writing to

the Town.

22. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by R. Caldwell. (5-0)

PUBLIC HEARING – SCOTT FIRTH & TRACEY FIRTH SECULA: Request for Subdivision approval to subdivide one lot into four lots. Property is located on Bean Hill Road, Tax Lot 224-005 in the “RS” Zone. PB # 3005

Mr. Dean Clark and Mr. Scott Firth presented the application.

Mr. Clark stated that there have been some minor changes to the plan. They moved driveway to have 300’ sight distance between lots 3 and 4. Each driveway is shown on the plan. The steepest driveway will be moved to control the runoff to the road. Easement for off site well will be obtained if they are needed. All the land will come out of current use. C. Daigle stated they are looking for the part of land that is not in current use. Mr. Clark stated that there is none all the land had been taken out. Mr. Clark explained that he used the standard floodplain note on the plan. The property is in the “C” zone which is above the flood zone “A”.

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 to grant the following waivers:

1. Aquifer plan.
2. Utilities & Fire Protection plan.
3. Stormwater Management Plan and report.
4. Water & wetlands w/in 400’ of site.

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: W. Peterson moved that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

Conditions to be complied with or secured (as appropriate) prior to plan being signed and decision recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and decision recorded.

1. Plans (2 mylar, 6 paper, recording fee):
 - a. List all plan revisions.
 - b. Indicate sight distances for existing/proposed driveways or include statement that driveways located anywhere on the frontages will comply with minimum sight distance requirements.

- c. ID topo contours
- d. Submit easement for off-site well radii on lot #1.
- e. Correct wetland boundary legend symbol.
- f. Use updated soils data in Note 8.
- g. Set/certify/show all property pins/monuments.
- h. All utilities shall be placed underground.
- i. All proposed driveways accessing onto paved road to have paved aprons.
2. Confirmation of plan sent to PSNH.
3. Construction standards or other mediation for steep driveways impacting Bean Hill Road/drainage & access.
4. NH DES Subdivision approval.
5. Onsite well to be covered.
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 R. Caldwell and carried. (5-0)

OTHER BUSINESS:

STAFF REPORT:

A. CAPITAL IMPROVEMENT PROGRAM:

The Board signed the certification for the amendments to the CIP.

B. MMSTV TAX LOT 241-009:

C. Daigle explained that when MMSTV came before the Planning Board they offered to have 60 parking spaces which exceeds the regulations requirement. They have come back and asked to amend the plan to have only 56 spaces which is still above the required number of spaces. It was the consensus of the Board that this is a minor change and can be handled at staff level.

C. ANDREW P. SANBORN FARM, LLC TAX LOT 214-009:

C. Daigle informed the Board that Andrew Sanborn Farm is appealing the Planning Board's interpretation of Zoning Article 10c and 14.

ADJOURNMENT:

MOTION: On a motion by J. Pike, seconded by C. Patten, it was voted unanimously to adjourn at 10:54 p.m.

(5-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant