



# TOWN OF BELMONT, NH

## PLANNING BOARD

Monday, December 18, 2006  
Belmont Corner Meeting House  
Belmont, New Hampshire

Present: Chairman P. Harris; Members J. Pike, C. Patten, G. Flack, W. Peterson, J. Marden and R. Caldwell Ex-Officio (7:15); Alternate C. Long.

Absent: C. Shibles

Staff: C. Daigle and R. Ball.

The chairman opened the meeting at 7p.m., welcomed those in attendance and appointed C. Long as a voting member.

**PLAN SUBMISSION MEETING – Terra Firma Real Estate:** Request for cluster subdivision approval to subdivide 5 lots into 36 building lots. Property is located on Upper Parish Settlement Drive, Tax Lots 229-053, 229-053-001, 226-012, 226-012-001 & 226-012-002 in the “R” Zone. PB #34-06

Mr. James Bolduc and Mr. Gagnon were present for this application. The Chairman read the notice and explained this meeting is for plan submission only and that additional noticing will occur for the public hearing. He also noted the Board previously held a Conceptual Consultation and two Preliminary Design Meetings on this proposal.

Mr. Bolduc noted they have tried to adjust the plan to meet the current requirements. The lot was part of a previous subdivision which was partially revoked by the Board. Regulations have changed and they have revised the design to meet those new regulations. The 1988 subdivision included a thru road to Province Road with 3 culdesacs. This version eliminates the thru road due to wetlands and a traffic report by Mr. Stephen Pernaw. The Town recommended the thru road be eliminated. The applicant has worked with NH DES and the Conservation Commission in also eliminating their first design of a culdesac by replacing it with a loop road to avoid more wetland impacts. They were able to curtail almost 20,000sf of wetland impacts with this current design.

Mr. Bolduc explained that the previous thru road ROW becomes part of the open space. The proposal includes 178 acres, 97 of which will be open space, exceeding the required 50%. Of those 97 acres, more than 50% are also buildable. They are proposing 36 single-family lots. The regulations allow a density of 56 lots after reducing the 178 acres by taking out the 9 acres of road ROW. There was an original declaration of covenants with the earlier Brown Hill Road Phase III. They are retaining it and adding an amendment which updates the plan references and refers to the

additional open space. They have also included a definition of the conservation easement on the open space which includes the restrictions on use.

Mr. Bolduc noted that there are three roads proposed, a continuation of Upper Parish Settlement, the loop road Cornish Lane and a culdesac Ethan Allen Drive. Upper Parish Settlement continues as a 60' ROW, and the others have a 50' ROW. There are minimal wetland impacts, reducing the originally proposed 39,000sf to 13,000sf. All impacts are roadway crossings with the exception of one driveway crossing. Traffic will be limited due to the curtailment of the thru road. Stephen Pernaw previously estimated 77 trips per day.

Mr. Bolduc explained that there is a great deal of drainage and wetlands. The western two-thirds of the property will drain to a very well-defined waterway, and the eastern side into a separate on-site wetlands. Both join and become the headwaters of the Tioga River. They will create a detention pond on Ethan Allen and two on Cornish Lane to capture road runoff. Test pits have been done with no surprises and submitted with the application. Soils are very consistent throughout the area.

Mr. Bolduc referred to the requested waivers. They include the level 2 soils map, sidewalks, photos, length of the loop road, traffic impact assessment and economic impact statement. Area studies were previously done on both traffic and economics.

The applicant has filed for both a NH DES wetlands and Site Specific permit and are working with DES on their comments. They will also prepare the EPA Notice of Intent. They have submitted a Quality Assurance Program with the proposed work scope centered around rural road construction. R. Caldwell arrived at 7:15. Stop signs and street name signs will be included. There will be no street lighting or other type of traffic control.

J. Marden asked about the breakdown of open space. Mr. Bolduc presented a better breakdown for the open space requirements. He explained that the apparent discrepancy is due to the fact that the whole project calculation includes the section of Phase III that was not revoked, and that was built. That includes one small open space lot and the developed Bennington Drive lots. He explained his handout and that the final plan would be clarified. They have added additional open space to meet the current standards.

J. Pike asked about the Bennington Drive section and the previous covenants being impacted by this proposal. Mr. Bolduc explained that the open space still exists and the original declaration stays in effect. Additional open space is being added. P. Harris asked about the waiver request for sidewalks, he said the Board preferred that a 4' paved shoulder with a line for pedestrians be installed. Mr. Bolduc noted they are not proposing to do so. They feel that because there is no thru road there will be limited pedestrians and there is no need for a pedestrian lane. For the purposes of recreation there are 97 acres of open space and there are many trails and walking areas and they feel that the sidewalk would not perform a significant service. P. Harris noted they are creating a neighborhood and all the other recent major subdivisions have offered the pedestrian way for safety purposes.

R. Ball noted the development plans have been sent to Gerry Lang at Belknap County who will be

starting his review on it. J. Pike noted that in other subdivisions the Board has been requesting either residential driveway lights or intersection lights. J. Marden asked about the driveway locations on lots 12, 21, 23 & 9. Mr. Bolduc referred to the plan where the corner lots at Cornish will be on Cornish. The lots on Ethan Allen will be one on Upper Parish because of an on-site wetland and one on Ethan Allen. W. Peterson asked about the ATV and snowmobile trails – will they be retained. Mr. Bolduc explained he had included the ATV and Snowmobile trails clubs in the noticing for tonight's meeting. They have been told that by the clubs that the trails were not part of the club's official trail system and are not maintained by the clubs. Mr. Gagnon said the trails will not be eliminated. Some of them will be consumed by the lots, but almost everything is to the back side of the lots so essentially all of the trails will remain in place. Both clubs have said they don't maintain the trails. In the beginning Mr. Gagnon stated he was pretty adamant that they weren't going to keep the trails, but now they're not sure they could be successful in shutting them down. They will continue to allow the use, but there are some wet areas that should be posted. He has put up some signs to stay out of those wet areas but the areas continue to be used. Someone has built some pretty substantial trail bridges to the rear of the property and in those wet areas they've destroyed some wetlands. J. Marden agreed they are not main trails and felt the neighborhood would pretty well dictate where they want the trails. J. Pike would like the Town to notify the clubs for the next meeting. W. Peterson noted the covenants need to be specific on whether or not these uses will be allowed. J. Gagnon noted they changed the plans to avoid the wetlands and don't feel sidewalks are necessary. His attorney also researched the previous covenants and determined that they could make changes as long as they did not reduce the amount of open space available to the owners of the Bennington lots. They will be forming an association which will include the Bennington lots. J. Pike explained they're looking for a 4' paved shoulder, not a raised sidewalk. Mr. Gagnon noted a 4' paved shoulder is achievable. The chairman reiterated that this meeting is for plan acceptance only.

**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 February 21, 2007 subject to extension or waiver on the following conditions:

1. An independent review of road construction and stormwater management is required.
2. The applicant shall renote once additionally requested information is available.

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

**PLAN SUBMISSION MEETING –Winnisquam Beach Campground Unit Owners Association:** Request for subdivision amendment approval to allow the campground to remain open eleven months a year. Property is located on Grey Rock Road, Tax Lot 117-015 in the "RS" Zone. PB # 37-06

Attorney Catherine Broderick was present for this application with Association President Robert Slater. Atty. Broderick noted the campground currently closed between October 15<sup>th</sup> and November

15<sup>th</sup> and between March 1<sup>st</sup> and May 1<sup>st</sup> annually. They do not want to change the type or character or use, but just be closed for only one month per year. This would be consistent with the Town's new campground regulations.

P. Harris noted that the Association needs to think about upgrading the property and dealing with some of the issues like roads if they want to extend the opening. The roads may not be in a sufficient condition related to access, salts, sands, snow placement, runoff, and spring mud. Mr. Slater noted that the roads are already maintained so people can access during the winter. Atty Broderick said they have the comments from both the Police and Fire Departments who apparently want safe access throughout the year.

P. Harris noted that the use has progressed a little each time they come before the Board with the result being that it now more closely resembles a mobile home park. During the last review Atty Dyer worked with the Board to assure there was no expansion and that the use occurring on the site was well documented. Now the proposal is to change to almost full time. One of the major reasons it was approved last time as only a change of ownership was because they took care to make sure no changes were included to the seasonal campground use as they were continuing to close 3 months per year. Atty. Broderick noted the campground is owner-occupied which results in a pride of ownership. The proposal is not to achieve more rental time, but just more owner time and to continue to use them as recreational sites.

Atty. Broderick noted this meeting is for plan acceptance only. They hope the plan will be accepted so a public hearing can be scheduled. She acknowledged the staff suggestions for additional information including a review by the Board's Counsel.

J. Pike referred to the Fire and Police comments and noted there may be a need for utility mapping. J. Pike agreed it seems the use is headed for a year-round community. He stated he felt that as such, the application should be required to meet the standards of same, provide the same information and meet the same subdivision standards as for a new campground. He agreed the Board had just developed campground regulations because they have found that recreational units are much larger now and that the sites require more town services. He asked why the applicant was bothering to close for one month, why not just apply for year round.

Atty. Broderick stated the owners want to retain their seasonal campground character. The owners are not residents. It is a vacation recreation campground.

J. Pike suggested the Board table the matter until obtaining advice from Counsel. C. Daigle noted that although residency was not allowed in campgrounds, the Board's most recent review of campground regulations focused more on the community service impact of campsites and the fact that long-term occupancy of campsites results in an impact to the environment, the neighborhood and the community that is more similar to a manufactured home park than to a traditional campground. One of the primary questions with this application is whether or not it is an expansion such that a special exception is required and that the site must then comply with current minimum standards. Mr. Dyer specifically used the continued closing schedule during the condominium review as evidence that there was no expansion. P. Harris noted the campground was given a lot of leeway at

the last application review, but it was specifically to be able document the preexisting use, to establish a baseline for both use and structures. And they were successful in not having it assessed as an expansion at that time. Atty. Broderick asked for review by Town Counsel and tabling until that time.

**MOTION:** On a motion by J. Pike, seconded by J. Marden it was voted unanimously to forward this matter to the Board's Counsel for input and to table this acceptance consideration until the January 29, 2006, meeting. (7-0).

C. Daigle recommended that the applicant also check with NH DES in the interim to see if they will allow the extended open time in light of the facilities provided to each site.

**PLAN SUBMISSION MEETING and PUBLIC HEARING VICTOR VIRGIN:** Request to amend previous site plan approval for contractor's yard with maintenance and storage buildings. Property is located on Depot Street, Tax Lot 234-005 in the "I" Zone. PB #36-06

Mr. Tracey Sweeney, Ms. Naomi Crowell and Mr. Victor Virgin were present for this application. Mr. Sweeney briefly went over the characteristics and history of the lot. This proposal is for a 60x100 maintenance shop and a 30x50 pole barn. They were previously approved for a 10-building unit and contractor's yard. They are reducing that approval to a contractor's maintenance facility only. This will be the Virgin construction yard.

Mr. Sweeney noted they have reviewed staff's comments. They have had discussions regarding the \$15K contribution towards the fire cistern and agree to it. The septic system is being redesigned from the approved version because of detention ponds on the adjacent lot. They are showing a pole barn which is 30'x50' for equipment storage and also some minor salted sand storage. They feel it will meet the staff's needs regarding water quality. The hours of operation would be from 5:30am to 7pm for employees during construction season. The office will operate from 7am to 5pm. During storm or emergency repair events the site may operate 24/7. The well hasn't been drilled yet, but the capacity and rating will be a satisfactory yield for the facility. There will be no floor drains. They did meet the 12-month substantial development criteria for the previous approval, but are here now to change the scope. This proposal does take the place of the originally approved plan. He showed the outside storage area on an impervious surface. There will be on-site fueling of the equipment on a very limited basis. All fueling will take place on the impervious surface adjacent to the pole barn. They will follow NH DES BMPs for fueling. Virgin Construction has an on-going employee program for treatment and containment. They will facilitate any problem through their contract with a certified firm. The landscaping plan is as shown on the existing conditions plan and includes signage, paving and grassed slopes. There will be no off-site snow storage. The lighting will be full cutoff on the edge of the building. They will provide Knox box access for the gate and building. They have added the rural zoning designation. They will have all seals/signatures on the final plans. They have separated the propane tank and dumpster and added fencing and bollards. They have added BMPs for water quality protection. Building plans were submitted which show additional bays. They added a sign detail to the most recent plans. They have requested an amended NH DOT driveway permit for the changed use, but no physical changes are proposed to the original design. They will submit as-built plans of the improvements when complete. Their current plans show the

site to date. They will provide the recording fee and meet the standard conditions of approval.

**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 2/21/07 subject to extension or waiver. The motion was seconded by J. Pike and carried unanimously. (7-0)

The chairman opened the public hearing.

J. Marden asked about the pole barn and salted/sand mixture. He recommended the building be enclosed for the salt storage. If the office is going to be open to the public it needs a handicapped parking space and accessibility to the first floor. They will also move the proposed sign back to meet setbacks. C. Long asked about the outside storage of equipment. Mr. Sweeney confirmed that the storage surface will be impervious. R. Ball asked about on-site fueling. There will be a 250 gallon skid tank inside a secondary containment facility. It will be at the end of the pole barn. It also needs to be covered. R. Ball noted they are within the Tilton-Northfield municipal well radius. P. Harris noted that the Town has worked hard to better understand the aquifer and the Town's responsibility to safeguard that resource. BMPs have been identified towards that protection. The salted sand will be loaded under cover and stored in an enclosed facility. J. Pike recommended that Mr. Virgin take particular care in protecting the aquifer and go beyond what might be considered "minimum standards".

There being no further comment or question the chairman closed the public hearing.

**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 plans (6 paper copies) w/notes:
  - a. Entrance gate and buildings to have knox box access.
  - b. Show adjacent "Rural" district on existing conditions plan.
  - c. All required signatures/seals.
  - d. Bollards and fencing for dumpster and Propane.
  - e. Note #9 on site layout to be for both building(s) and to include "...and Federal Codes and Best Management Practices..." and "...relative to...water quality requirements."
  - f. Correct septic on site plan or provide amended approval.
  - g. All salt storage, delivery & transfer to occur w/in enclosed area.
  - h. No floor drains

- i. Confirm that this proposal takes the place of the originally approved plan buildings/uses.
- j. Outside storage of equipment/vehicles shall occur on impervious surface.
- k. On-site fueling of equipment or vehicles or shall comply with BMPs on fueling with covered fuel station, impervious surface, bollards, secondary and spill containment, etc.
- l. No deposit/storage of off-site snow.
- m. Provide landscape and lighting plan. All lights to be full cut-off.
- n. Handicapped space/signage.
- o. Sign to meet setbacks.
2. Participation in local fire cistern @ same rate as BPS (\$15,000)
3. Reproduce narrative including:
  - a. hours of operation
  - b. number of people on site
  - c. well info
4. Update QAP to include storage, handling, use of fluids and other possible contaminants, Spill Prevention and Control Countermeasure Plan, employee training, etc.
5. NH DOT permit upgrade.
6. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
7. Payment of decision recording fee.
8. Compliance hearing shall be held by Board as necessary.

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

9. Submission of building plans, approved by Building Inspector & Fire Department prior to plan signing. Shall comply with all applicable building, fire, health, and life safety codes.
10. As-built plans for structures, utilities, roads, drainage and other site improvements required prior to occupancy/use.
11. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.

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

12. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
13. All exterior lighting shall be shielded from abutters and traffic.
14. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
15. No changes shall be made to the approved plans unless application is made in writing to the Town.
16. The Planning Board shall have the power to modify or amend its approval upon its

own motion to do so.

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

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

### **OTHER BUSINESS:**

1. **Minutes:**

MOTION: On a motion by C. Patten seconded by J. Pike it was voted unanimously to approve the minutes of December 11, 2006 as written. (4-0-3 W. Peterson, J. Marden & G. Flack abstained)

2. **Malvina Cherrette – 125/39 & 126/26:**

The chairman signed the boundary line adjustment plan as approved.

3. **Blue Sky Enterprises – 231/14:**

The chairman signed the subdivision plan as approved.

4. **BBI – 235/43 & 42:**

Bestway Disposal has requested permission to temporarily park equipment on the adjacent vacant lot during construction of their building. The lot owner, Brox has granted permission. The time period is January thru June 2007. The Board granted permission for this temporary use.

5. **Street center lines:**

The Selectmen have included in this year's budget the money to stripe a yellow center line on Town Roads. This will be added to the Subdivision Regulations minimum road standards during the next upgrade along with a typical for the 4' paved pedestrian way.

6. **Adjournment:**

MOTION: On a motion by R. Caldwell seconded by J. Pike it was voted unanimously to adjourn at 8:42p.m. (7-0)

Respectfully submitted:

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Candace L. Daigle, Town Planner