

## PLANNING BOARD

Monday, May 22, 2006  
Belmont Corner Meeting House  
Belmont, New Hampshire

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

The chairman opened the meeting at 7 p.m. and appointed C. Shibles as a voting member for tonight's meeting.

**RUSS THIBEAULT – APPLIED ECONOMIC RESEARCH:** Economic Impact Study Report on Realty Resources Chartered proposing a site plan to construct a 32 unit multi-family development on Province Rd, Tax Lot 204-023 in the "RM" Zone. PB # 2305

Mr. Russ Thibeault presented the application.

Mr. Thibeault explained that Realty Resources is a 32 unit multi-family subsidized rental development. The study was done using 2005 figures. He explained that an impact study is not an exact science. The cost per unit is difficult to provide so he uses the averages. A single unit might not create an impact on services but 32 units would impact services. Results are influenced by the analyst's assumptions and methodology. He revisited prior impact studies in Belmont, updated all town and school costs to 2005. He surveyed enrollment in subsidized housing; three in Belmont, five in Laconia and two Realty Resources developments. He searched the internet and contacted NHHFA for similar studies and found none.

Mr. Thibeault stated that relevant points from prior AER studies show that Belmont is growing rapidly and the pace is quickening. Town and school spending has increased but not solely because of growth. Town facilities are nearing or exceeding capacity. Belmont will be challenged to maintain a competitive tax rate. School enrollment has been stable. To break even a single family home would have to sell for \$275,000 to \$300,000. Each single family unit generates .55 students.

Mr. Thibeault explained that the proposed development consists of 32 units. There are sixteen two bedroom units and sixteen three bedroom units. This is a subsidized development designed for the working force. The development is subsidized and rents must remain below market value for fifteen years and some of the tenants may also be subsidized and will not pay more than 30% of their income

for rent. Rents are expected to be \$768 for a two-bedroom unit and \$886 for a three-bedroom unit. There are no restrictions on where the tenants come from but the units will be advertised heavily in Belmont. Belmont has 10% elderly housing and 16% family subsidized housing which is above the 12% the county has.

Mr. Thibeault explained that the assessed value of Realty Resources is less than the tax revenues generated from the project. The need for affordable subsidized housing needs to be considered when reviewing the project.

Mr. Thibeault explained the enrollment methodology included reviewing the town's demographics and enrollment figures, requesting data from NHHFA, conducting an internet search and analyzing enrollment from other subsidized developments. School enrollment is stable and enrollment per unit is down.

He explained that rental units are designed for young households with more school age children. The rental units would generate twice as many children as a single family residence. Belmont is now operating at or above capacity and will need to add more facilities. He explained that some impacts may be disproportionate because the school calculations reflect additional students, but assume that special needs will be typical. For general assistance if Section 8 rental assistance is not available it could raise town costs by \$20,000-\$30,000 per year. The police impact may not measure exceptional costs above typical unit call volume. Fire impact may be lower due to new construction standards.

Mr. Thibeault outlined some perspectives to consider. There is a pronounced need for decent affordable housing in Belmont and the Lakes Region. Communities do not build or allow subsidized housing because they generate a revenues surplus but because they fill a need. No matter what community you live in in New Hampshire you would fall short of tax revenue vs cost. You have to look at the overall benefit to the whole community. You have to balance the low income with some high end projects. Many existing units do not pay their way if the house is valued less than \$300,000.

P. Harris thanked Mr. Thibeault for providing the Planning Board with this information from the study. It will be beneficial to the Planning Board for planning purposes.

J. Pike wanted to know if the School Board has seen the study. Mr. Thibeault stated that he had interviewed Mr. Cozort about special needs associated with subsidized housing and he agreed that no studies have been done on it. C. Daigle noted a copy of the report had been provided to Mr. Cozort. J. Pike stated that the school is near capacity and adding a few students may put it over capacity. Mr. Cozort stated that three out of the four schools are just under capacity. He has no concern about one project but of all the projects that have come or are coming before the Board that would support the need for extra space.

J. Marden wanted to know if the cost impact to the fire department takes into consideration the number of false alarms. Mr. Thibeault stated that he uses an average to determine the cost.

He stated that no community in New Hampshire wants subsidized houses but it is very good housing for families that need it.

Mr. Elson Moody wanted to know how long it has been since they built the last high school. The Board told him that it was built in 1998. Mr. Moody stated that you cannot build a new high school because taxpayers cannot afford it.

Ms. Donna Cilley, General Assistance, stated that there is a critical need for three- bedroom rental units in Belmont. She stated that the rent for a two-bedroom unit without any utilities is \$825. You have to look at the humanity aspect not only the financial aspect. Affordable housing would give people an opportunity to raise their family. Three bedrooms may only house one child because of the dynamics of a family. Mental illnesses are classified as disabilities. There will be little impact on the police department. There absolutely is a need for the sixteen rental units. The town growth rate is between 3- 5%. The town and the school have to plan accordingly. When you look at the proposal you have to separate politics and money vs the critical need. P. Harris stated that the Board is trying to keep ahead of growth by having these studies done.

Mr. Terry Turner wanted to know how this study will be used. P. Harris stated the information is used as a tool to help the Board determine if a Growth Management Ordinance or Impact Fees would be in the best interest of the town. Mr. Turner stated that it is not used as an evaluation for this particular project but for future growth. P. Harris stated it is a research tool that helps educate the Board in their decision process.

Mr. Moody stated that Belmont needs more industry like Tilton has.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – RALPH ALEXANDER AND BRENDA FENDLEY:** Request for Site Plan approval for a sawmill operation. Property is located on 171 Province Road, Tax Lot 211-062 in the “R” Zone. PB # 0306

Mr. Craig Bailey, Mr. & Mrs. Jeffrey Fendley and Mr. Ralph Alexander presented the application.

Mr. Bailey explained that the site plan shows the parcel in two sections. One is for the sawmill operation and the other for the contractors yard

P. Harris stated that the applicants have received Zoning Board approval for the uses.

Mr. Bailey addressed the waiver request for the sawmill operation. The requests to waive the soils report and stormwater management report are because it is not in the aquifer and the area disturbed is minimal. The waiver for cross sections for the driveway and parking and road and sidewalk plans is because there will be little construction in this area. There will be minimal disturbance to the landscape so they are asking for a waiver of the landscaping plan. There will be no sanitary facilities proposed so they are asking for a waiver of additional soil information.

**BOARD'S ACTION – RALPH ALEXANDER AND BRENDA FENDLEY:**

**MOTION:** W. Peterson moved to grant the following waivers as they are supported by staff:

- a. Aquifer plan. It is not in aquifer zone.
- b. Driveway & parking lot cross-sections & road/sidewalk plans due to minimal size.
- c. Utilities & Fire Protection Plan. There are no employees and no structures.
- d. Stormwater management plan & report. There is minimal disturbance of area, no structures and minimal impervious surface.
- e. Landscape plan. There is minimal disturbance. This does not include vegetative buffer.
- f. Quality Assurance Program there is minimal improvements/disturbance.
- g. Additional soils info. There is no septic required, no structures proposed and wetlands have been delineated

The motion was seconded by R. Caldwell.

J. Marden wanted to know where the vegetative buffer is. C. Daigle explained that the applicant is offering stockade fencing instead of a vegetative buffer. Mr. Bailey explained that there are no plans to clear the existing buffer.

The motion 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 July 26, 2006 subject to extension or waiver.

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

The chairman opened the public hearing.

C. Bailey explained that the lot has had the sawmill operation on it for a while. Hicks Road has a double entrance onto Rte 107 and the State wants to see an upgrade to driveway. The applicant has agreed to the upgrades. They also want to display their finished product on the outside of the fence.

P. Harris wanted to know if the proposal is similar to the area being used today. Mr. Bailey stated that the access will be shifted from the personal driveway to Hicks Road.

J. Pike stated that there was a proposed warrant article last year to allow retail businesses on Rte 107 and the voters voted it down because they didn't want businesses on Rte 107. He stated that this is

an after-the- fact application because they have been doing business on this site. There is concern about employees parking along side Rte 107 and putting up a business sign. W. Peterson stated the use is allowed by special exception and has been in the Zoning Regulations for years. The people voted not to allow retail sales on Rte 107. J. Pike stated that they will be selling from the site and that is a retail sales lot. They have no facilities for bathrooms. P. Harris stated that the Zoning Board granted the applicant the right to go forward. The Planning Board now can put steps in place to protect abutters.

Mr. Bailey stated that there will be three parking spaces, one for employees and two for customers. The owner is the operator so there is no need for a parking space or facilities for him. Customers will not be on site for a long time so no facilities are required.

C. Daigle addressed J. Pike's concern about it being a retail sales lot by stating that the use table in the Zoning Ordinance categorizes it as a sawmill with accessory sales. J. Pike stated that there is only one parking space for employees. C. Daigle stated that the only person working on site is a resident of the site.

J. Marden stated that they received a letter from an abutter, Mrs. Maria Redulla, who had some concerns about what a "personal saw mill" is. She was also concerned about allowing a business in the rural zone and the noise levels as well as the hours of operations. Mrs. Redulla also had concerns about traffic, property values, pollution and drainage. Mr. Bailey explained that this is an old letter and those issues have been resolved with Mrs. Redulla. He explained that it is a portable sawmill, he mislabeled it as a personal sawmill. Mr. Fendley stated that the noise level is equivalent to a lawn mower engine or a band saw. Mr. Pike stated that he has heard it running from down the road.

Mr. Alexander stated that he has talked to Mrs. Redulla and she has no problems with the proposal. The hours of operation are Monday through Saturday 7am to 5pm and Sunday 7am to 6 pm. P. Harris stated that those are long hours for a personal sawmill he feels the hours should be narrowed down.

C. Daigle wanted to know if they have a time schedule for completing the work. Mr. Bailey stated that they are waiting on the approval to determine the time line. Mr. Alexander stated that he will be doing the contracting and paving work. P. Harris stated that the site has been in violation for years. The Board needs a completion time line so that a cease and desist is not issued. Mr. Alexander stated that the biggest thing to do is the fence and driveway and that should be done within a year. W. Peterson stated that it means between now and a year the sawmill will not run. Mr. Fendley stated that he has to cut the wood for the fence. J. Pike stated that the sawmill has been running and work is being done on the fence. Work is ongoing on the site. Mr. Fendley stated that there is no sawmill on the site now. J. Pike stated that a year is a long time to complete the work. This is a full time lumber yard. Mr. Bailey stated that it is a portable sawmill and is an approved use. J. Pike stated that there are no bathroom facilities. Mr. Alexander stated there are facilities 100' from the sawmill. C. Daigle stated that there is only one person working on the site and he has access to his own facilities. The customers do not require facilities. The Board discussed the time frame for coming into compliance and felt that a year was too long. G. Flack stated that he understands that they are trying to bring the site into compliance but the

time frame needs to be adjusted. Mr. Fendley stated that he has started working on the fence but he has a full time job. He stated that there are eight other sawmills in Belmont. Three are on Rte 107 and one in the village and they haven't been issued cease and desist orders. He was told that the one was grandfathered and has been in operation since the 50's but it has been abandoned for more than two years so it is no longer grandfathered. P. Harris stated that is an enforcement issue. Mr. Bailey stated that they need to agree on a construction time line. R. Caldwell stated that they need to get the construction work done on the fence and driveway and the Hicks Road access. Mr. Alexander stated that it will take a couple of months to complete the Hicks Road access. Mr. Fendley stated that he has started the fence and 90 days would be good.

Mr. Fendley stated that he feels that he is being discriminated against because he owns a sawmill. He can use it for personal use because there are other sawmills in town. C. Daigle explained that others have come through the process or have been operating before 1986 when zoning came into effect. Mrs. Fendley stated her father always had a sawmill.

G. Flack stated that the hours of operation need to be adjusted. They should not be operating on Sundays. W. Peterson stated that they could not operate the sawmill on Sunday but would be allowed to sell his product. The Board discussed the hours of operation could be 7am to 5 pm Monday through Friday and 9am to 3 on Saturday. J. Pike stated that it should be 7am to 12pm on Saturday. P. Harris suggested that they stay uniform with heavy equipment hours of operation. Mr. Fendley stated that he has a full time job and that leaves him little time for the sawmill during the week. W. Peterson suggested 7am to 6pm on week days. Mr. Alexander suggested 8am to 6pm during the week and on Saturday till 3pm. J. Pike stated that Saturday should be to noon. R. Caldwell suggested 7am to 1pm on Saturday. Mr. Fendley stated this is a part-time operation. Mr. Bailey stated that the hours would be 8am to 6 pm Monday through Friday and 7am to 1pm on Saturday.

C. Daigle stated that September 1<sup>st</sup> would be the deadline for completing construction. J. Pike wanted this to be a condition on the plan. W. Peterson wanted to know if Mr. Fendley had all the wood for the fence cut. Mr. Fendley stated that he does not. W. Peterson stated that he could operate the sawmill to cut the wood for the fence only. J. Pike wanted to know if they needed to post a bond. R. Ball stated that a bond is for closing of a site. It is used for loam, seed and fertilizer. C. Daigle stated it is used for abandonment of a site plan and in this situation the site is already operating.

The Board discussed having a 6' stockade fence. Mr. Bailey explained that the fence is to separate the sawmill from the house. They will extend the fence up the hill to separate the commercial driveway from the private driveway. W. Peterson wanted to know if the gate is going to be locked. Mr. Bailey stated that no locks are proposed at this time.

J. Pike stated that he is concerned about a sign. C. Daigle stated that any sign would have to meet setbacks. J. Pike wanted to know how customers get cord wood. Does he deliver it? Mr. Fendley stated that he get hardwood mixed with pine and he cuts it in half and uses it himself. He generally doesn't sell lumber. Mr. Bailey explained that it is on the plan so it is an allowed use if he occasionally has it.

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. Establish escrow account for closure of Province/Hicks Roads improvements in case of abandonment. Engineer shall submit estimate of cost which shall be reviewed for approval.
2. State or other agency permits to be filed with the Town – Town Permit to work in ROW of Hicks Rd. to be obtained.
3. Applicant shall sign and follow Inspection Schedule prepared by Planning staff. The schedule shall be available at the pre-construction meeting.
4. Submission of final plans (7 paper copies)  
Note
  - a. Minimal fueling will occur on site. Method is 5-gal container. Container to be used/stored in approved manner.
  - b. Update plan to total bedrooms = 3.
  - c. Hours of operation during construction and operation shall be limited to M-F 8am-6pm. Saturday 8am -1pm.
  - d. All pins to be set and so certified on final plan.
  - e. Knox gate locks required if gates are secured.
  - f. Fence between house and sawmill site shall be extended beyond exiting barn.
5. Payment of Notice of Decision Recording Fee at time of recording.
6. Sawmill use allowed for construction of fence only until all conditions are completed with.
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. Construction of new driveway access and new Hicks/Province Road intersection. To meet Town & State specifications.
9. All Improvements/conditions will be completed no later than September 1, 2006. Failure to comply by that date will result in continuation of enforcement action.
10. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.

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

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

The motion was seconded by R. Caldwell and carried. (6-0-1) J. Marden abstained

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – RALPH ALEXANDER AND BRENDA FENDLEY:** Request for Site Plan approval for a contractor’s yard. Property is located on 171 Province Road, Tax Lot 211-062 in the “R” Zone. PB # 0306

Mr. Craig Bailey, Mr. & Mrs. Jeffrey Fendley and Mr. Ralph Alexander presented the application.

Mr. Bailey explained that on the southerly section of the property is Mr. Alexander’s existing contractor’s yard. He explained that they are asking for a waiver for handicap access because it is owner operator and he is the employee. They are not in the aquifer and that is why they are asking for the waiver for the aquifer plan. They are asking for waivers for additional soils because it will only be a 300 gallon sanitary load.

**MOTION:** W. Peterson moved to grant the following waivers as they are supported by staff:

- a. Handicapped access there is no public access to building.
- b. Aquifer plan site is not in aquifer zone.
- c. Driveway & parking lot cross-sections due to minimal size.
- d. Additional soils info wetlands have been delineated, soils to be confirmed by test pit, State approved septic design required, soil evaluation submitted under qualified engineer’s stamp.

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

J. Pike stated that the previous plan submission showed parking inside the wetland buffer. Mr. Bailey stated that the plan has been amended and the parking meets zoning regulations.

**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 July 26, 2006 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (7-0)

The chairman opened the public hearing.

Mr. Bailey explained that the proposal is for a large 60' x 40' metal building to enclose equipment on site. The building will be centered on the lot and the parking area paved. There will be material storage bins behind the building for aggregate material. No asphalt will be stored on site. There is a dumpster and an in ground septic design. There will be landscaping around building. They are proposing down cast lighting and a stockade fence.

J. Pike wanted to know if there will be any salt storage. Mr. Bailey stated that there would be no salt storage this is a paving operation. There will be small amounts of stored material. There will be a bin for ledge pack and one bin for asphalt for when they come back late at night. There will be no permanent storage it will be only until they get a truck load to return to the plant. J. Marden wanted to know if they are proposing any slabs under the bins. Mr. Bailey stated that the bins will be on asphalt paving. J. Marden wanted to know if the site will be gated. Mr. Alexander stated it will be gated but not locked. He stated that there will be no hazardous material on site. Asphalt is not a hazardous material. C. Daigle stated that as part of the Zoning Board meeting Mr. Alexander stated that the material is stockpiled after hours, then when they start off in the morning they fill the truck and return the asphalt. It is not kept until they get a full load. Mr. Alexander stated that it depends. Sometimes they get three or four jobs a week and they wait until they get a full load.

W. Peterson wanted to know how high the retaining wall in the back is. Mr. Bailey stated that it depends on the bins. If it is 4' they must have engineering certifications. Mr. Alexander stated that they have different plans for the wall. C. Daigle stated that the lesser the bin depth the shorter the walls. Mr. Bailey stated that they are requesting the ability to make the retaining wall shorter based on the bins.

P. Harris wanted to know about the construction process. Mr. Alexander stated that the fencing and the retaining wall is going to take all summer and next spring they will put the building up. Mr. Bailey wanted to know if the Board would consider a slab as a start for the building. G. Flack stated that he should leave it gravel. R. Caldwell stated that it not good for building. W. Peterson stated that the site work should be done in a short time if they want to continue to operate. C. Daigle stated that the Board could require all the site work be done and then they could put the building up later. C. Daigle stated that they could have a date for site work and another date for the building. Mr. Alexander stated that he could finish gravel, fence and storage bins by November. C. Daigle stated that does not leave much time to vegetate. C. Bailey stated that the State requires stabilization by Oct 15<sup>th</sup>. C. Daigle stated that they need a paved apron. Mr. Bailey stated that the drainage has to be in place before pavement goes down. Mr. Alexander stated that there is a swale behind the wall. Mr. Bailey stated that the swale has to be in place for the engineer to certify the retaining wall. C. Daigle wanted to know about the water and septic for the employees. W. Peterson stated that they could have portable toilets. J. Pike stated that it would have to

be in Phase 1 and to a time certain. W. Peterson stated they are trying to bring the site into compliance. P. Harris stated that he doesn't like setting a precedent, this is a business. J. Pike stated that it would be more in compliance than it is now. C. Daigle suggested that the facilities be in place within one year. W. Peterson stated the building along with the bathroom and water be completed within one year. Mr. Bailey stated that the septic design and perk test have been done but have not been sent to Concord yet.

J. Marden wanted to know if any of the stored material is for retail sale. Mr. Alexander stated that it is not. J. Pike wanted to know what they spray the asphalt truck body with. Mr. Alexander stated that he uses diesel fuel and it is done at the plant.

**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:
  - a. All pins to be set and so certified on final plan.
  - b. Clarify extent of paving.
  - c. No fueling to occur on site.
  - d. All improvements/conditions will be completed no later than October 15, 2006, with the exception of paving, septic and building construction. Paved apron is required. Failure to comply by that date shall result in immediate enforcement action.
  - e. Potable water, in-ground sanitary facilities and building required by June 1, 2007. Portable toilets required until full facilities are installed.
  - f. Total number of bedrooms in 2-family residence= 3.
  - g. Hours of operation during construction and operation shall be limited to M-F 6am-6pm.
  - h. On-site storage of used engine oil to be limited to 15 gallons to be stored in approved containers and disposed of in approved manner. Spill kits will be provided in relation to vehicle maintenance and other possible contaminants handled on site (oils, antifreeze, etc.)
  - i. Parking of vehicles w/in the contractor's yard is restricted to submitted business list and daily employee transportation.
  - j. No storage of salt or salted sand on site.
2. Detailed building plans approved by both Building Inspector and Fire Dept. Appropriate fire/life safety access will be required.
3. Engineering certification of all retaining walls 4' or higher.
4. Payment of decision recording fee.
5. Establish escrow account for closure of contractor's yard in case of abandonment.
6. State or other agency permits to be filed with the Town – Town Permit to work in ROW of

- Hicks Rd., NH DES Septic approval to be obtained.
7. Applicant shall sign and follow Inspection Schedule prepared by Planning staff. Schedule shall be available at the pre-construction meeting.
  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. Knox gate locks required if gates are secured. Other Fire Department requirements, if any, to be met.
10. Place well cover on well. If well is to be used for potable purposes it shall pass all applicable testing.
11. Wetland certification of wetland fill removal/restoration.
12. Construction of new Hicks/Province Road intersection. To meet Town & State specifications.
13. 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.
14. As-built plans required prior to occupancy/use.

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

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

The motion was seconded by R. Caldwell and carried. (7-0)

G. Flack left the meeting.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING –LOREN AND DORRIS BLAIR:**

Request for subdivision approval to subdivide one lot into two. Property is located at 93A Bean Hill Road, Tax Lot 218-127 in the “RS & R” Zones. PB #1106

Mr. Bryan Bailey and Mr. & Mrs. Blair presented the application

Mr. Bailey explained the property was subdivided last year into two lots. Tonight’s proposal is a two lot subdivision. One lot encompasses the house and the other the remaining 66 acres. The existing

septic and the new well are shown on the plan. The wetlands have been delineated. The existing wood road services as an access point for the 66 acres. The frontage area is narrow because of the wetlands and the wood road to the side of wetlands. The Blairs want to sell existing home and market the other 66 acres. There is no good building area in the front of the lot but it is buildable in the back. The 1.96 acre lot has 150' frontage. The driveway between the two houses has been loamed and seeded. The driveway had to be abandoned as part of previous subdivision. The sight visibility is in compliance with the regulations. The driveway is at the low point in the road. The new driveway serving the house has been installed but the paved apron is not done. They received State subdivision approval.

**BOARD'S ACTION – LOREN AND DORRIS BLAIR:**

**MOTION:** W. Peterson moved to grant the following waiver as it is supported by staff:

1. Additional soils info because of the size of the new lot, State subdivision permit has been obtained, and basic Level 2 soils information has been submitted.

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

**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 may be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by 7/26/06 subject to extension or waiver.

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

Mr. John Miller, 111 Bean Hill Road, stated that he is concerned about the logging road that is close to his front yard and where the access to the rear lot is going to be. Mr. Bailey used the plan to show the road. Mr. Miller stated that there will be cars going back and forth very close to his front yard. Mr. Bailey stated that it is private property and this is a 66 acre building lot. A road would need to go there if the 66 acre lot is further developed. Mrs. Miller stated that it is at the beginning of their front lawn. The side of their house faces the road now and the front of house would be facing the proposed road. Mr. Miller wanted to know if there is a distance from a property line a road has to be. Mr. Bailey stated there is room to put in a road 50'-70' away but that can be addressed in the future if the property gets developed.

Mr. Eugene Mazzei, 117 Bean Hill Road stated that this is a beautiful area with all kinds of wildlife and he is concerned about their habitats. Mr. Bailey stated that these issues can be addressed in the future when a development comes forward. This is a two lot subdivision and someone can buy the 66 acres for a home and never further develop the site. Mr. Mazzei stated that there is access off Dutile Road for the property. R. Ball stated that those ROWs have been discontinued because they were not built. P. Harris stated that the Board looks at wildlife, aesthetics and traffic and this application meets those subdivision criteria. The Board appreciates the abutters concerns.

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. Submit copy of deed.
2. Submission of final plans (2mylars, 6 paper copies):
  - a. Sight distances for remaining lot driveway.
  - b. Show driveway to remaining lot meeting required 15' setback to wetlands.
3. Payment of decision recording fee.
4. Pave apron for previous driveway.
5. Compliance hearing shall be held by Board as necessary.

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

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

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

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – BLUE SKY ENTERPRISES AND ANDREW P SANBORN FARM LLC:** Request for a boundary line adjustment approval to transfer 37.43 acres from tax lot 227-003 to tax lot 214-009. Properties are located on Middle Route & Rogers Road and Durrell Mountain Road & Rogers Road, in the “R” Zone. PB #1206

Ms. Karen Feltham presented the application.

Ms. Feltham explained that this is a boundary line adjustment and no additional lots are being created. Lot 214-009 is 135 acres and will have access from Durrell Mountain Road. Lot 227-003 is 50 acres and has access from Middle Route. They are taking 37 acres from the 50 acres leaving 13.28 acres encompassing the house site. The backland piece will have a view easement that will be described in the deed but not pinned because the pin would be confused with boundary pins.

**BOARD'S ACTION – BLUE SKY ENTERPRISES AND ANDREW P SANBORN FARM LLC:**

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

1. Topo (staff supports because of size of lots, size of area being transferred and no development proposal).
2. Soils (same).

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

**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 7/26/06 subject to extension or waiver.

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

The chairman opened the public hearing,

R. Ball stated he is not sure what is more confusing not having pins to locate the easement or having additional pins to mark the easement area. Ms. Feltham stated that the surveyor would not put the pins in. The property line is blazed and flagged and the view easement is 200' in from there. J. Pike wanted to know what happens when someone cuts trees down. Ms. Feltham stated in the deed that they cannot cut all the trees down. The view easement is similar to the shoreland protection act and you cannot cut more than 50% of the basal area and no structures are allowed in the easement area.

Ms. Jennifer Despres wanted to know where the Class 5 access is. Ms. Feltham stated there is no Class 5 access the frontage is on a Class 6 road and is driveable. Ms. Despres wanted to know if that is the timber access. Ms. Feltham stated there is no entrance on the Class 5 portion of Durrell Mountain Road because of the wetlands.

The chairman asked if anyone in the audience had any questions or comments. There being none, he 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. Submit plans (2 mylars, 5 paper copies)
  - a. All pins to be set.

- b. Gilmanton & Gilford signature.
2. Final plans will not be recorded until transferring deed has been approved by the Town and is also signed and ready for recording.
3. Compliance hearing shall be held by Board as necessary.
4. Deed restriction to include a 50% basal area no cut zone in view easement area.

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. Marden and carried. (6-0)

**OTHER BUSINESS:**

**BOARD'S ACTION-MINUTES:**

**MOTION:** On a motion by J. Marden, seconded by W. Peterson, it was voted to approve the minutes of the May 8, 2006, meeting as submitted. (5-0-1) J. Pike abstained

**STAFF REPORT:**

**SUN LAKE VILLAGE TAX LOT 101-001:**

The chairman signed the subdivision plans for Sun Lake Village.

**BENJAMIN & ELIZABERTH LAWHORN AND NORMAND & ANITA MCKEOWN TAX LOTS 225-014 & 225-013**

The chairman signed the boundary line adjustment plans between the Lawhorns and the McKeowns.

**PLH TAX LOT 103-014:**

The chairman signed the Site Plan and Notice of Decision for PLH

**JIM PRESCHER:**

C. Daigle reminded the Board that Mr. Jim Prescher will be making a presentation at the June 5<sup>th</sup> Board of Selectmen's meeting.

**ADJOURNMENT:**

**MOTION:** On a motion by W. Peterson, seconded by R. Caldwell, it was voted unanimously to adjourn at 10:04 p.m. (6-0)

Respectfully submitted,

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Elaine M Murphy  
Administrative Assistant