

PLANNING BOARD

Monday, February 25, 2008
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman P. Harris; W. Peterson, C. Patten, R. Caldwell and C. Long.
Members Absent: G. Flack.
Alternates Present: R. Davis.
Alternates Absent: W. Rollins.
Staff: C. Daigle, R. Ball and E. Murphy.

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – HILL REALTY TRUST: Request for boundary line adjustment approval to transfer 8,037 square feet from tax lot 112-007 to tax lot 112-009. Properties are located at 10 & 14 Lakeside Drive in the "RS" Zone. PB # 0608.

Mr. Ron Johnson presented the application.

Mr. Johnson stated that the property is bordered on the southerly side by Lakeside Drive and on the north by Lake Winnisquam. It is in the "RS" zone. The Hill Realty property has 1.205 acres with frontage on Lakeside Drive and 77' of frontage on Lake Winnisquam. The Drouin property has no frontage on Lakeside Drive with 59' of frontage on Lake Winnisquam. Both lots have houses on them and have municipal sewer and private wells. The proposal is to transfer 8,037 square feet from Hill Realty Trust to Drouin. The Hill Realty Trust lot will remain conforming with 1.020 acres. They are requesting a waiver for topo and soils because the lots are already developed and connected to municipal sewer.

BOARD'S ACTION – HILL REALTY TRUST:

MOTION: W. Peterson moved to grant the following waivers:
a. Soils info due to the small transfer and that both lots are on municipal sewer.
b. Topography based on the small size of the transfer.

The motion was seconded by C. Patten and carried. (6-0)

MOTION: C. Patten 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 April 30, 2008 subject to extension or waiver.

The motion was seconded by C. Long and carried. (6-0)

The chairman opened the public hearing and 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. Final plans will not be recorded until transferring deed and subordination documents have been approved by the Town and are also signed and ready for recording.
2. Submission of final plans (2 mylars & 6 paper copies):
 - a. All pins to be set and so certified on final plan.
3. Payment of decision recording fee.
4. Compliance hearing shall be held by Board as necessary.

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

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

The motion was seconded by C. Patten and carried. (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – GUNSTOCK BROOK

CONSTRUCTION LLC: Request for subdivision approval to subdivide one lot into four. Property is located on Sand Circle, Tax Lot 116-031 in the “RS” Zone. PB # 0507.

Atty. Phil Brouillard, Mr. Dean Clark and Mr. Paul Fluet presented the application.

Mr. Clark explained that the proposal is for a four lot subdivision off Sand Circle. The soils have been delineated by a soil scientist and the wetlands delineated by a wetland scientist. The sizes of the lots are 1.90 acres, 1.19 acres, 1.96 acres and 1.21 acres. Lot 4 has an existing sewer line going through it, which they are proposing to relocate. Atty. Brouillard is in the process of defining the easement. They do have the drainage easement. They have been in contact with Mr. Gerry Lang addressing his

engineering report concerns.

Mr. Paul Fluet explained that he did the road design. The road is a 500' cul de sac with a grass center island. He has incorporated Mr. Lang's recommendations on providing drainage treatment at the side of road. There is natural detention in the wetland. They have added under drains and test pits. They will move the existing easement over to open up the buildable area on that lot. They have a stormwater pollution plan for EPA and are not required to go to the State for site specific. Atty. Brouillard stated that the road and the sewer are already there. Mr. Clark stated that the test pits are also done.

Mr. James Keegal, an abutter, wanted to know if the cul de sac is going to be big enough for fire apparatus to get through. C. Daigle stated that they will be asking to build a hammer head instead of a cul de sac because it is better for the Public Works Department to maintain especially with snow removal and will also have to be approved by the Fire Department. Mr. Keegal stated that there is a vernal pool in that area and he wanted to know how they are going to protect it. C. Daigle stated that they will not be building in the wetlands and have to meet the 35' setback requirement. Mr. Keegal stated that there is a stone wall on the boundary line and he would like to have a 6'-8' easement in place so he can maintain the wall in the future. If a rock falls off he would like permission to be able to go on the other side of the wall and pick up the rock and repair the wall.

Ms. Shirley Mento, an abutter on Jefferson Road, wanted to know where the storm drains are located. She has a pipe that runs under her property but no water comes out of it. Mr. Clark explained that the existing drainage easement goes away from her property not towards it. The pipe she is referring to is probably a footing drain. Ms. Mento stated that she is lucky because the way the house was laid out the wetlands behind her house drains away from her house. She is concerned about the wetlands behind her. Mr. Clark stated that they will not touch the wetland and will maintain the 35' setback. Ms. Mento stated that she is concerned about children playing around them and falling in. P. Harris stated the drainage from the site has to remain the same as it is prior to construction.

Mr. Brian Loanes who lives on Woodland Drive stated that his concern is that there has been a long standing issue with Woodland Drive with road maintenance. There currently is an agreement that he and Mr. Zappora take care of the road. That agreement was for one year and that was four years ago. He is concerned that this subdivision will create another road with the same problem. He wants the developer to have some incentive to have the road turned over to the town before more roads are created. Atty. Brouillard explained the history of the road. The lots in Woodland development were taken over by the bank but the road was owned by an elderly man. The bank didn't want to do anything with the road because they didn't own it and the owner of the road didn't want to do anything because he didn't own the land. Atty. Brouillard stated that he ended up with the road, upgraded it and it is one of the better roads in town. He has spent money on plowing and sanding. The plan was for all the roads in Woodland Village to be turned over to the Town when the subdivision is completed. That was the plan but now he can convey just Woodland over to the Town since it has gone through one winter and the surveyor has a tie line in place. He plans on turning Woodland Drive over to the Town in the spring.

Ms. Stacy Erlick stated that she has paid for the sand for the road because people were complaining after the last storm. She would have no problem with this development moving forward if

Atty. Brouillard would put it in writing that he will turn the road over to the Town this spring. He has been promising to do it for three years. If it snows anymore, then two cars cannot pass on the road. It will be a one lane road. P. Harris stated that he understands their concerns but it is an issue that they have to discuss with the Board of Selectmen. It is a civil issue and doesn't affect this application.

W. Peterson wanted to know if Atty. Brouillard is maintaining the road. R. Ball explained that it has been a difficult winter and when he viewed the site on February 19th there was sand on the road. There was ice on the road but there was ice on other roads in town. He did take pictures of the road. C. Daigle explained that she had received a compliant that trash was not picked up because of the road conditions but when she contacted Bestway they informed her that the trash was picked up. She explained that the subdivision was approved in the 1970's when there was no security or safeguards in place to prevent developers from walking away from a project. When Atty. Brouillard purchased the development he brought the roads up to town standards. He cannot be forced to make it a public road but can petition the Town to accept it as a public road which he plans to do in the spring. Woodland Drive does have trash pick up and mail delivery. The situation is getting better but the Town cannot maintain the road as it is not a public roadway. The Board can give Atty. Brouillard the option of going with a hammer head road design or a cul de sac. A cul de sac is hard to maintain and is hard to plow. Atty. Brouillard stated he is agreeable to a hammer head design.

C. Daigle asked Atty. Brouillard what the construction schedule was. He stated that he plans to start around July 1st and have the pavement in within 120 days. C. Daigle stated that the regulations require that the buildable areas exclude wetlands and steep slopes and is suppose to be connected to the ROW. Lot 2 it is not connected. Mr. Fluett stated that they have changed the contours to cut in closer to the ROW. The Board agreed that it was minor change.

Mr. Clark stated that the boundary line between the subdivision and Mr. Keegal's lot is the stone wall and it is up to the neighbors to maintain it. Mr. Keegal stated that he just wants to be allowed to maintain the wall and be allowed to go on the abutting property to pick up any rocks that have fallen off the wall. Atty. Brouillard stated he doesn't have a problem with an easement but when you try to sell the property it may become a problem with the title company. He also had concerns about who would inherit Mr. Keegal's property and how they would maintain the stone wall. Mr. Keegal stated that his daughter would and she would maintain the wall. P. Harris stated that this is a private issue that would the property owners would have to work out. Atty. Brouillard stated he would allow Mr. Keegal access as long as Atty. Brouillard owns the property.

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

BOARD'S ACTION – GUNSTOCK BROOK CONSTRUCTION LLC:

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

1. Waive extending topo lines 100' offsite

The motion was seconded by C. Long and carried. (6-0)

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. Submission of final plans (2 mylars, 6 paper) w/notes:
 - a. All pins and bounds to be set and so certified on final plan. Granite bounds to be used for bounding road.
 - b. All driveways to have paved aprons.
 - c. All seals/signatures.
 - d. Revision purposes/dates.
 - e. Clearly identify all drainage/slope/sewer easement areas outside of ROW.
 - f. All signature blocks are for “subdivision”, not “site plan”.
 - g. Belmont driveway permits will be obtained for road and driveway if future petition for acceptance will be made.
 - h. Statement on whether the road is being “dedicated” or will be private.
 - i. Note: Access to Lot 1 shall be from Sand Circle.
 - j. Underground utilities required.
 - k. Road plans to include stop bar, stop sign, painted center & pedestrian lines and street name sign.
 - l. Incorporate R. Ball’s comments (relocate topsoil storage area, slope instead of retaining wall, trash racks, underdrains, 6” each compaction, show silt fence locations).
 - m. Test pits.
 - n. Hammer head or cul de sac design is permitted .
2. Plan Recording fee
3. Additional Permits:
 - a. NH DES Wetlands permit.
 - b. Belmont Sewer Department permit and easement to relocate sewer line.
 - c. EPA NPDES permit.
 - d. Town of Belmont slope easement.
4. Security (also see Project Security Process):
 - a. Applicant’s engineer & surveyor shall utilize at a minimum the Town’s security spreadsheet format to submit a detailed estimate of total project including all pins/bounds, as-built plans and a closure/abandonment cost.
 - b. Prior to any site work - escrow for construction inspections and closure in case of abandonment. Town’s construction inspector shall submit estimate of inspection costs based on final plans.
 - c. Prior to plan signing/recording – escrow for all incomplete improvements, setting of pins and bounds, and as-built plans.

Security amount to be set by staff. Security to be in a form approved by the Town. Contingency of 15%, retainage of 10% until complete and 2% for one year post-completion are required.

5. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
6. Compliance hearing shall be held by Board as necessary.

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

7. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any. A preconstruction meeting is required.
8. 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.
9. As-built plans for structures, utilities, roads, drainage and other site improvements required prior to occupancy/use.

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

10. Approval of this proposal does not signify acceptance of road by Town (Selectmen's jurisdiction).
11. Any future application to transfer road to Town requires all applicable easement documents and submission of a Release or a Partial Release, as applicable, from all Mortgage holders in a form acceptable to the Town. (See Road Acceptance Policy)
12. No changes shall be made to the approved plans unless application is made in writing to the Town.
13. Approval is subject to expiration, revocation and changes in the Ordinances.

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

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by W. Peterson, seconded by C. Long, it was voted to approve the minutes of the January 28, 2008, meeting with the following changes:

On page 4 under conditions of approval for Coviello eliminate condition 3 " Obtain permits or remove unpermitted building and storage trailers."

Carried (5-0-1) R. Caldwell abstained.

MOTION: On a motion by R. Davis, seconded by P. Harris, it was voted to approve the minutes of the February 11, 2008, meeting as submitted. (3-0-3) R. Caldwell, W. Peterson and C. Long abstained.

STAFF REPORT:

DEPARTMENT OF TRANSPORTATION:

The Board received a copy of the DOT agenda for Wednesday, February 27, 2008. The meeting will be held at the Corner Meeting House and will discuss the Rte 106 resurfacing project between Loudon and Perkins Road in Belmont. The project is scheduled for 2008 and will include turn lanes at the intersection of Rte 106 and Rte 140 and the sidewalk from Rte 106 to the Fire station

WINNISQUAM YACHT CLUB, LLC TAX LOT 104-062:

C. Daigle explained that Winnisquam Yacht Club has contacted her and have asked for an extension until

May 1st for the As-Built plans due to the amount of snow on the ground this year. The Board agreed to the extension.

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 8:16 p.m. (6-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant