

PLANNING BOARD

Monday, August 24, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Vice-Chairman Ward Peterson; Claude Patten, Jon Pike and Christine Long.
Members Absent: Peter Harris, Gary Flack and Russ Davis.
Alternates Present: Reginald Caldwell.
Alternates Absent: William Rollins and William Otto.
Staff: Candace Daigle, Rick Ball and Elaine Murphy.

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

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS.

W. Peterson explained that this is a public hearing concerning the proposed amendments to the subdivision regulations. Amendments are proposed for:

1. Purpose section, wildlife links and buffers.
2. Approval requirements for condominium expansion.
3. Waivers meeting new State laws.
4. Application submission minimum submission requirements.
5. Final Plat required plans
6. Approval, Disapproval, Abandonment, Revocation disapproval and revocation.
7. Post approval procedure inspections and observations.
8. Design standards utilities, drainage, roads and open space.
9. Construction Standards process and roads.
10. Definitions
11. General updates, change and add references, plan and report details and exhibits.

C. Daigle explained that under Section 1.C links and buffers "to provide for the preservation of open space, wildlife habitat, links and buffers; to protect the health, safety, convenience, economic, environmental, and general welfare of the general public" will be added to be consistent with the Zoning Ordinance.

Other proposed changes include condominium expansion into the common and limited area will require subdivision approval as a lot line adjustment. Waivers have been amended to conform to the amended RSA. Under the application submission section eleven reduced plans are required for the

members, an overview sheet and phasing plan and one plan/report set for independent review. The total of each lot frontage shall be identified. Update the reference to the NH DES Stormwater manual which replaces the stormwater manual. Clarify the definitions and update the water and sewer contacts. Replace Water and Sewer Commissions with Town of Belmont.

C. Daigle went on to explain that Section 8.9.D will better define inspections by design engineers versus observations by the Board's independent observer. They will also be replacing cul de sacs with hammerhead turn-arounds. The proposed amendments also expand on underground utilities to keep them out of the road to not conflict with roadside drainage. Engineers will be required to lay out the road, erosion controls and guardrails. A current fee schedule has been added to the regulations.

J. Pike wanted to know if they were eliminating cul de sacs. C. Daigle explained that they are making them hammer head at the request of the Public Works Department. It is difficult to plow a cul de sac and a hammerhead design would be a benefit to the town. W. Peterson stated that the Fire Chief also approved the hammerhead design. J. Pike wanted to know if there is a requirement for the departments to sign off on a project design. C. Daigle explained that the stormwater technical review is done by Gerry Lang. Each department also signs off on project reviews.

C. Daigle explained that she sent the proposed amendments to all the engineers and surveyors that the Board works with and has had only a positive response. The roads are already being built to the new standards. Mr. Craig Bailey made one suggestion for Section 5.D.6.q instead of requiring them to use the HydroCad system as not all engineers/surveyors have that system they could suggest using it but not require it. R. Ball stated that most everyone is using CAD as it is a much easier program.

MOTION: C. Patten moved to adopt the Subdivision Amendments as written. A new public hearing will be scheduled to amend the HydroCad language.

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JAMES & ANNEMARIE

COVIELLO: Continuation of a request for re-subdivision approval to create one additional site to previously approved manufactured home park, release age restriction, and make other changes. Property is located on Durrell Mountain Road, Tax Lot 212-067 in the "R" Zone. PB # 0709P.

Mr. & Mrs. James Coviello presented the application.

Mr. Coviello explained they have changed the plan to include the playground area, a half court for basketball, seesaws, picnic tables and a level area for a park. They have also added a 4' fence around the pond. Mr. Jerry Lang did the engineering review and determined that by eliminating the road they are disturbing less area and should not require another review. They will be subject to Alteration of Terrain Amendment approval.

J. Pike stated that in R. Ball's department response of June 16th he had concerns about sites 10, 12, 2 & 3 not meeting ENV-WS 1005.04. R. Ball stated that he was concerned that some of the septic systems may be undersized and he just wanted Mr. Coviello aware of that fact. The State has jurisdiction

over septic approvals. C. Daigle stated that he will have to have septic approval prior to getting a building permit.

BOARD'S ACTION – JAMES & ANNEMARIE COVIELLO:

MOTION: C. Patten moved that the application be accepted as complete for the purpose 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 October 28, 2009 subject to extension or waiver.

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

The vice-chairman opened the public hearing.

Mr. Coviello stated that he has DES subdivision approval for the additional lot. The playground area will be graded to handle the basketball court. His engineer did the drainage and slopes for that area. C. Daigle wanted to know if the remaining area will be loamed and seeded. Mr. Coviello stated all except the walkways. The basketball court will be hardtopped but he is looking into rubber matting. The NH DES Alteration of Terrain plan will be amended once the plans are approved. He explained if Gerry Lange's review requires that more gravel is needed for the ditch line then he will do it. W. Peterson stated that by extending the gravel it will save the road. J. Pike stated that when the road is laid out the inspector will check on it. R. Ball stated that it is just adding about another 8' of gravel, Another 4' or 5' on each side of road.

Mr. Coviello stated that all the drainage will be constructed as part of Phase I. He is waiting on Underwood Engineering recommendations to adjust the water construction plans and maintenance, testing and reporting schedules. Underwood's review is his insurance that his engineer is giving him the right information.

C. Daigle wanted to know what type of mailboxes they will be using. Mr. Coviello stated that he has talked to the postmaster and he can have individual boxes on each lot or have a congregate design. He will have all the mailboxes in one area with a roof over them using a congregate design.

He addressed the post approval items and stated those corrections will be made on the final plans. He does have a problem having to have his engineer and surveyor doing the inspections because the Town already does them. They would be double checking the same work at an added cost to him. C. Daigle explained that the Town does periodic observation and that doesn't take the place of an engineer doing inspections because they have to certify that the work was done correctly. The engineer designed the plans and can make the changes necessary to facilitate the project as it progresses. Mr. Coviello wanted to know if he would have to come back to the Board with those changes. C. Daigle stated that the Planning Board can approve minor changes without a new public hearing

Mr. Coviello stated that he doesn't want to paint a center line down the middle of the road

because it will make the development look like a circus because of the 4' walkway line he already has to do. The center line is not necessary. It is his business and it is a business decision not one that should be required by the Board. C. Daigle stated that the line encourages people to reduce speed and stay on their own side of the road. The road is not long and has corners and speeding is a common complaint the Town receives about roads similar to this one. Mr. Coviello stated that it is private property and the developer should make the rules. There are only nineteen people in the park and it is not open to the public. C. Daigle stated that it is open to the public because the Fed Ex trucks, Meals on Wheels, fuel deliveries, etc. will use the road. She also explained that the next owner may not be as conscientious as he is; that is why they have to have everything outlined on the plan.

Mr. Coviello stated that the DES Alteration of Terrain permit, DES Septic and driveway permits will be submitted once he receives his approval. He does not feel it is necessary to provide a copy of the site lease because approval should not have any affect on how he runs his business. C. Daigle stated that he provided a copy of the previous one with the age restrictions. Mr. Coviello stated that he does not need to be told how to run his business. He understands the laws and this is not an age restricted park. He will build it right and he knows how to run a business it should not be part of the subdivision approval.

J. Pike stated that Mr. Coviello's thought process regarding the need for a center line has changed since he did his two lot subdivision on Durrell Mountain Road. During the approval process for that application Mr. Coviello stated that they would have a walking trail and keep it open because families need a safe place to walk. Now he is opposed to having a center line in the road. Where is the balance for safety? Mr. Coviello stated that he has the ability to use his property as he feels is correct and does not need approval on how to run a private business. He stated that the ground is still there for the trail around the property. His wife uses the trails. This is a private trail to be used by only the people that have bought houses from him. W. Peterson explained that private roads have to be built to the same standards as town roads. He explained that the subdivision regulations have had amendments since he started the project. Having a center line is part of the new design standards although he is not subject to the recent amendments.

Mr. Coviello stated that the issue of dropping the age restriction is against his way of doing business. He didn't want to add children to the school system but he doesn't have any other option. He has talked to other people in the trade who are building age restricted parks and their towns have increased the density allowance. The other towns welcome these parks. Why doesn't Belmont? The Board explained that they are not against age restricted parks but Mr. Coviello did not meet the amenity package that the State requires. Mr. Coviello stated that the other businesses' amenities included only a bulletin board for public notices. He does not know what amenity the Board wants to see. His amenity package was never signed off. He had a letter from his lawyer that stated that he would meet all the requirements. Dropping the age restriction is against the betterment of the town. He wanted to know how one town can give extra for having a 55+ park and another one totally against it. He did everything he could not to put more children in the school system because it is not what is best for the town. He wishes the Board would support the 55+ park. C. Daigle explained that it was the NH Human Rights Commission that said the plans were very thin towards meeting their requirements. The developer has to meet the ADA requirements and meet the non-discrimination law. Mr. Coviello's design lacked the

significant amenities required by that law. Mrs. Coviello wanted to know how the State knew what they were doing. C. Daigle stated that she contacted them because the Board was not familiar with what the restrictions for a 55+ Park were. The Human Rights Commission determines those restrictions. Mr. Coviello wanted to know if he can proceed with the 55+ park. C. Daigle stated that he would have to renotice the 55+ park with 19 lots because the abutters were notice for a re-subdivision releasing the age restrictions. If they thought it was an age restricted park then they may have come to the public hearing and voiced their ok or support. The abutters have the right to know what the exact project that is being developed is. Mr. Coviello stated that with a 55+ park 80% of the residents are not in school system. C. Daigle stated that if they can prove they meet the amenity requirements for a 55+ park then they certainly can apply for it.

R. Caldwell wanted to know what is lacking for amenities. C. Daigle stated that the services they were going to provide were gardening, horseshoes and bocce ball. Those services did not meet the Human Right's requirements. R. Caldwell stated that there is a bus that goes up Durrell Mountain Road they could contact the company and have them stop there to pick up residents. They could have homemakers come in and a community club house geared towards the elderly. Mr. Coviello stated that he planned to have brochures on how to get those services. He can provide the information but he can't make people do what they are not interested in. He was not putting in the services until the residents decide what they wanted. He would have fulfilled all the services. The Board needs to support him. R. Caldwell stated it is a legal issue; it is not that the Board doesn't want it. The State is the only body that can define what services are required.

Mr. Coviello wanted to know what the requirements are needed and he will meet them. C. Daigle stated that the State did not agree that the services he was proposing met their requirements for the amenities needed for a 55+ park. W. Peterson suggested that he contract with the bus service to stop at the park, he can also contract with a beautician to go to individual homes. They need to have contracts in place not just brochures because brochures are not providing services. J. Pike stated that they need letters from the service providers. Mrs. Coviello stated that having a beautician come in would require an expense on their part because that would have to provide the equipment like sinks and dryers. R. Caldwell explained that they would go to the individual's home so they would not need any of that equipment. He also stated that local grocery stores provide delivery services that could be another amenity. He needs to contact the State and make a list of what they will except for amenities. Mr. Coviello stated that he did not realize that was the type of amenities the State was looking for.

He wanted to know if there is any way that he can address the amenities and get approval for the both proposals. C. Daigle stated that they can approve the extension of 55 +park and table the re-subdivision. Mr. Coviello stated that he wants the 55+ park to include the new lot created by the re-subdivision. C. Daigle suggested that they go to the State and develop a plan for amenities they will be providing then they can come back to the Board for their approval. The final plans will reflect what has been approved. R. Caldwell stated that they can also go to Service Link and see what services that may be available that can go to individual homes. They need a comprehensive service plan. C. Daigle stated that because they are adjusting the plan to include the additional lot they will need to renotioce. Mr. Coviello stated that he would be doing the town a disservice if he did not go for the 55+ park. C. Daigle stated that they will not need new plans for the public hearing but they will need something in writing

that outlines what they want and what the amenities are.

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 to Table the request for re-subdivision approval to create one additional site to previously approved manufactured home park, release age restriction, and make other changes to September 28, 2009 at 7:00 pm.

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JAMES & ANNEMARIE

COVIELLO: Continuation of a request for a one-year extension (6/23/10) on a previously approved subdivision for 18- unit age restricted manufactured home park approval. Property is located on Durrell Mountain Road, Tax Lot 212-067 in the “R” Zone. PB # 0809P.

BOARD'S ACTION – JAMES & ANNEMARIE COVIELLO:

MOTION: J. Pike moved to Table a request for a one-year extension (6/23/10) on a previously approved subdivision for 18- unit age restricted manufactured home park approval September 28, 2009 at 7:00 pm.

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

PLAN SUBMISSION MEETING – MOUNTAIN LAKE VILLAGE: Request for a one year extension (8/24/10) of a previously approved subdivision (10/23/06) to create an 18 lot single family cluster subdivision. Property is located on Mile Hill Road, Tax Lot 202-012 & 202-015 in the “RS & R” Zones. PB # 1009P

Atty. Phil Brouillard presented the application.

Atty. Brouillard stated that he is requesting that his conditional approval of 10 /23/06 be extended for one year until 8/24/10. The Board granted a conditional approval with twenty conditions as part of the approval. He has completed most of them and has less than seven conditions to meet. There have been no changes to the regulations since his approval. He has received the memo from Land Use technician, R. Ball concerning the roads and agrees to 12” sand (DOT 304.1) under bank run gravel course to better promote drainage, the select materials courses are extended to the ditchline, and Superpave wearing course (DOT 403.1105)

BOARD'S ACTION – MOUNTAIN LAKE VILLAGE:

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 10/28/09 subject to extension or waiver.

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

The chairman opened the public hearing.

Mr. Glenn Watson an abutter at 62 Peter Court stated that he lives down stream of the development. There are wetlands on the property and everything runs down from the project. He is worried about the runoff and possible contamination of the wetlands. There is significant drainage that flows down to Peter Court. He has a shallow dug well and is concerned about the runoff and wanted to know if there is something in place to prevent his well and the wetlands from being contaminated. He is aware that Belmont actively takes care of the wetlands and he wants to keep this wetland pure. There are steep slopes and the run off has increased since the area has been clear cut. C. Daigle explained that to avoid damage from runoff, the plan has been reviewed by the Town's independent engineer as well as the State of NH through an Alteration of Terrain permit. The plan includes topo and the soil types. Mr. Watson explained that his main concern is contamination from pesticides and fertilizer. C. Daigle explained that there is a distance between the project and Mr. Watson's yard. This is a less intensive use than a traditional subdivision because it is a cluster development with open space. There is enough undeveloped land to allow for natural purification. Mr. Watson wanted to know if the runoff could be diverted. R. Ball explained that the runoff is going down hill and is being treated in a detention pond and swale. C. Daigle explained that if you disturb the area and put in water bars they would need to be maintained which could cause more problems. R. Ball explained that the swale filters out sediment.

The chairman asked if anyone in the audience had any further 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. All conditions of the original approval to remain in effect.
2. Extension is to 8/24/10.
3. 12" sand (DOT 304.1) under bank run gravel course to better promote drainage.
4. Select materials courses extend to the ditchline.
5. Superpave wearing course (DOT 403.1105)
6. Compliance hearing shall be held by the Board as necessary.
7. Approval is subject to expiration, revocation and changes in the Ordinances.

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

OTHER BUSINESS:**BOARD'S ACTION-MINUTES:**

MOTION: On a motion by C. Long, seconded by J. Pike, it was voted to approve the minutes of the July 27, 2009, meeting as submitted. (4-0-1) R. Caldwell abstained

STAFF REPORT:**DONNA BOWE TAX LOT 205-034:**

C. Daigle explained that Donna Bowe received subdivision approval to subdivide a lot at 148 Mile Hill Road and a part of the condition of approval was the driveways had to be paved. There are four curb cuts on that property and Mr. Bowe would like to clarify those conditions. Do all four curb cuts or just the curb cut to the new lot have to be paved? R. Ball stated that he went by the site and the curb cut to the new lot has been paved. Two of the other cuts have a 1' apron. It was the consensus of the Board that the condition concerning paving applied to the new lot not the other three curb cuts.

223 D. W. HIGHWAY LLC TAX LOT 101-028:

C. Daigle explained that the developer wants to flip flop building so that the drive thru is on the opposite side of the building. The parking will be reduced with parking in the front and rear. While reviewing the changes it was noted that parking for Broadway North School of Dance may create a problem. The parking spaces for Broadway North are partially on the lot owned by 223 D.W. Highway. There is temporary license to park there which can be extinguished. There is also another easement through the back. If the parking issues are resolved can the developer make the design change? It was the consensus of the Board that it is a minor change because it is a less intensive use of the property.

TRI-TOWN AQUIFER MEETING:

The tri-town aquifer meeting is scheduled for Aug 31st at the Corner Meeting House.

BELMONT TRACK RE LLC TAX LOT 246-001:

The track will be host a sport car event on August 31, 2009.

STONINGTON HEIGHTS TAX LOT 211-091:

C. Daigle explained that they have received a complaint of a possible violation occurring in the open space for Stonington Heights and Boulder Drive. Mr. Mark Mooney never submitted a stewardship plan for the open space because at the time of subdivision approval his intention was to deed the open space to the Town. Mr. Mooney is now considering turning over the open space to non-profit conservation organization. R. Ball consulted counsel and the Town has the authority to enforce the restrictions on the open space. The Code Enforcement Officer, S. Dalton, has sent Mr. Cacciature a letter outlining the violation of having a motorize vehicle track in the open space. Mr. Cacciature has 30 days to respond to the letter and restore the open space. The Board reviewed and authorized the vice-chairman to sign a letter to Mr. Mooney regarding transfer of the open space.

BBE REALTY TAX LOT 238-004:

C. Daigle explained that BBE Realty's design engineer is doing their inspections and the process is working well.

SUNLAKE VILLAGE TAX LOT 101-001:

C. Daigle stated that the Board has received its first annual stewardship report from Sunlake Village.

TERRA FIRMA TAX LOT 229-053, 53-01, 226-012, 12-01 & 12-02:

C. Daigle explained that Terra Firma's plan acceptance has expired. The plans have been reviewed by Gerry Lange. They have submitted the funds to have Underwood Engineering review the road and drainage plans. Their intention is to have the plan reviewed and make any correction before coming back to the Board. The Board agreed to a review of the road plans.

DOG PARK:

C. Daigle explained that she has responded to Ms. Lisa Clutters email concerning a dog park. She explained to her that she will need a site plan which accommodates parking and may need sanitary facilities on site. She also has to make sure the property they are considering is zoned for a dog park.

CAPITAL IMPROVEMENT PLAN (CIP):

The Board received their CIP books. C. Daigle explained that the Board is scheduled to discuss the CIP at the September worksession and hold the public hearing on September 28th.

There are only a few changes to CIP for 2010. The Code Enforcement Officer is asking for \$30,000 for a new four-wheel vehicle in 2011. C. Daigle stated that in the last couple of years that position has grown. He is doing junkyard inspections, aquifer inspections and follow ups on violations in addition to the regular building inspections. The Board wanted to know how many other four-wheeled vehicles the town has. C. Daigle stated that she does not know but if the Board would like she can have the Department Heads come in to discuss their requests on September 14th. The Board agreed. the vehicle request.

BUDGET:

C. Daigle explained that for the third year the Land Use budget is proposed to be flat lined that covers a \$2205 increase in en expenses. However there is an additional \$1,869 for a new computer that is no longer cover in the IT budget. J. Pike explained that the IT line has been eliminated and each department has to absorb their share of maintenance contract cost and the expense of new equipment. C. Daigle wanted to know if she should add item to the budget or absorb this additional cost some other way in the budget. She explained that the \$1,869 covers the cost of equipment installation and a new computer for E. Murphy. E. Murphy was in the rotation schedule for a new system this year.

It was the consensus of the Board to add a line item for equipment and maintenance.

The Board discussed C. Daigle's contract. C. Daigle explained that her overtime hours are taken as comp time at straight time. She works Monday thru Thursday 7:30-4:00 plus night meetings. If she doesn't have forty hours she works Friday. She can only accumulate 40 hours of comp time per year. She has been in the office most Fridays this year.

J. Pike wanted to know what percentage of time she works on Planning Board issues. C. Daigle explained that she does work quite often on projects for other Town Departments. Her retirement costs are set aside by the Town in a Capital Reserve Account as those are for other employees.

MOTION: R. Caldwell moved to accept C. Daigle's contract as written.

J. Pike recommended that C. Daigle separate her hours to reflect how much time she spends working on Zoning, Public Works, Conservation, Board of Selectmen, Town Clerk, Sewer, Water and other department projects. C. Daigle stated that they do not separate the cost of each project and cannot charge the individual departments when she assists them and they do not charge Land Use when they assist them. J. Pike stated that it would help explain the budget if the hours are broken down. C. Daigle stated that it would be an estimate because there are a lot of interruptions that take place while working on a project. C. Long stated that it would be a benefit in the long run to break down the time.

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

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 10: 25p.m. (5-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant