

PLANNING BOARD

Monday, January 25, 2010
Belmont Corner Meeting House
Belmont, New Hampshire

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

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

PLAN SUBMISSION MEETING AND PUBLIC HEARING – GISTIS BELMONT REALTY, LLC: Request for a one year extension (8/28/10) for subdivision approval to create a 43-lot open space subdivision. Property is located on Middle Route, Hoadley & Province Roads, Tax Lot 215-007 in the "R" Zone. PB # 0110P

P. Harris explained that the subdivision was originally approved August 28, 2006. The approval was extended in 2007 to August 28, 2008 and again in 2008 to August 28, 2009. Conditions of the original approval remain open except for the following: The Board has received draft final plans, draft Declaration of Covenants, Restrictions and Easements and draft fire cistern easement. They also received letters of intent to provide service from Fairpoint, Metrocast and PSNH, letters from Holden Engineering acknowledging and/or agreeing to all conditions listed in the original letter of approval. They also received a letter from Atty. Uchida acknowledging recent changes in Subdivision Regulations and requesting to maintain originally designed cul de sacs in place of the now required hammerhead turn arounds. They are incorporating all other changes required by the new regulations into the road construction plans. The Board also received the draft deed for open space to the Town.

C. Patten stated that he is an abutter to the property. And recused himself.

Atty. Richard Uchida presented the application and introduced Mr. Christopher Gistis as the new property owner.

Atty. Uchida explained that this is a 43 lot cluster subdivision with 80 acres of open space that will be deeded to the Town. The approval expired in August 2009 but because the property was going to

foreclosure they did not file for an extension. Mr. Gistis closed on the property in November, put in for the extension and hired Holden Engineering to complete the plans. They are following the previously approved lot lines.

Atty. Uchida addressed staff's comments. They have received a driveway permit from DOT and have forwarded it to the Town. They have not received subdivision approval from the State. The soils and under drains and slope easements will be added to the plan for recording. He stated that the Alteration of Terrain Permit limits them to disturbing not more than 1.5 acres at one time. The phasing schedule has not been determined at this time. Any phasing will be coinciding with financing. They will come back with a phasing schedule if they decide to phase it. The road changes will meet the new subdivision requirement with the exception of the new requirement for hammer head. They want to stick with the original design. The Town has received an easement for the fire cistern and a draft document of covenants, restrictions and easements. Atty. Uchida submitted the additional abutter's fee. He acknowledged the applicant's need to participate in the lane upgrades to Rte 106/Brown Hill Road intersection. He stated that he is working with abutters to rectify the issue of the tree line buffer. The trees had been cut right up to and over the boundary line and they have contacted the abutter to rectify the situation. There has been a minor change to the plan to reflect the bank of mailboxes that the Post Office requires. The mailboxes will all be in one area with a pull off parking area for access to the mailboxes.

BOARD'S ACTION – GISTIS BELMONT REALTY, LLC:

MOTION: W. Peterson moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and
act on the application. Action on this proposal shall occur by March 31, 2010 subject to extension or waiver.

The motion was seconded by C. Long and carried. (5-0-1) C. Patten abstained

The chairman opened the public hearing.

W. Rollins wanted to know if R. Ball had looked at the under drains and if the note needs to be on the plans. R Ball stated that the note needs to be on the plan so that it can be referred to during the construction process.

C. Daigle wanted to know if the Board wanted Underwood Engineering to look at the road construction plans and be the construction inspector for the Town. J. Pike stated that he wants Underwood Engineering to do it. W. Peterson wanted to know if they have an independent review of the road design. C. Daigle explained that one of the issues they run into is that there is awkwardness having an independent inspector come in when then they didn't review the design. It is hard to explain changes that need to be made to the plan when the road is under construction. They have no in-house engineer

and have to have an independent engineer. The construction has to be consistent with the plan. Having the same engineer review the plans and the construction saves the applicant time and money. W. Rollins stated that if they review the drainage and it has to be changed it could affect the lot size. R. Ball stated that he doesn't anticipate any drainage changes that would affect the lot size. Atty. Uchida wanted to know if there is a sense on the time frame or cost for Underwood Engineering to review the plans. C. Daigle stated that they usually review the plans in a timely manner. She does not know what the cost would be. W. Rollins stated that his company does similar reviews and the cost is somewhere in the low thousands probably between \$2,000 and \$4,000. Atty. Uchida stated that he wanted to know what a reasonable rate is and doesn't anticipate a problem if the cost is in the low thousands. He also stated that they don't want to shift the road. J. Pike stated that with the Town looking to take over the road in the future he wants the review.

J. Pike stated that he knows that the previous property owner harvested the trees right up to the property line. They left no buffer and took some of the wrong trees. They need to replace the buffer. Atty. Uchida stated that they are checking with the abutters to see what they want. Do they want the buffer closer to their house or at the property line? They will work with the abutters to rectify the situation. Ms. Dion stated that she is the abutter and stated that they bought the property because they wanted to maintain some privacy and wanted a safe and nice place to raise family. The buffer is important.

P. Harris stated that they are not required to phase the buildout but it helps with the impact to the schools, services and economy. Atty. Uchida stated that in today's economy financial institutes usually require phasing and they are leaning towards phasing.

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

MOTION: C. Long moved that the extension 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. Comply with all conditions of 8/28/06 approval including those listed in the August 29, 2006 letter of approval, and those as represented by the applicant during the public hearings on the proposal and within submitted printed documents including the approved plan. The Board is under no obligation to approve subsequent extension requests. Extension is to August 28, 2010.
2. Conditions precedent to be completed:
 - a. Draft of deed to Town for open space to be reviewed by Town – requires acceptance of Selectmen or arrangement for Association to own/maintain.

- b. Draft of easement deed to Town for cistern to be reviewed by Town – requires acceptance of Selectmen.
- c. Draft of Declaration of Covenants, Restrictions and Easements to be reviewed by Town.
- d. Final Plans:
 - 1. 12/10/09 Plan to be recorded:
 - a. Sheet 1-correct spelling in title block, “Gistis Belmont...”
 - b. All required certifications.
 - c. Include index sheet.
 - d. Correct abutters on recording set (it looks like there are 3 changes- 215/6,14 & 48).
 - e. Include two wetlands line types (NEEA & Turtle Pond) in legend.
 - 2. All Plans:
 - a. Open Spaces “A” and “B” to have separate tax lot numbers as they are going to be owned separately. Change “A” to lot 47.
 - 3. Record Plans - All pins/bounds/monuments to be shown as set.
 - 4. Submission of final plans:
 - a. Recording plan-mylars, 2 sets.
 - b. Recording plan-paper, 6 sets.
 - c. 62-pg plan set-paper, 7 sets.
 - d. Reduced 62-pg plan-paper, 1 set.
 - e. Reduced recording plan-paper, 1 set.
 - f. All required certifications.
 - g. Fire Department approval for road name change, “Temple Street”.
- e. Include Turtle Pond Ent in noticing list w/fee, envelope. Town staff has added – additional \$10 noticing fee due. (received)
- f. Recording fee. – Mylars well radii and cistern easements, open space deed and Declaration.
- g. Security required – refer to Town’s Construction & Security Manual – <http://belmontnh.org/docs/ords&apps/ConstructionManual.pdf>.
- h. NH DES revised Subdivision approval.
- i. NH DOT Driveway permit to be renewed.
- j. All easements to be depicted on recording plan set.
- k. Independent review of road construction plans by Underwood Engineering.
- l. Compliance Hearing may be required.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town’s Construction & Security Manual):

- 3. Conditions subsequent to plan recording:
 - a. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any – applicant acknowledged.
 - b. 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– applicant acknowledged.
- c. Record drawings required prior to occupancy/use –applicant acknowledged. Phasing may require multiple record drawing versions.
 - d. Proposed 8% road grades to be certified prior to asphalt– applicant acknowledged.
 - e. Water potable tests required prior to dwelling COs.
 - f. EPA – NPDES notification.
 - g. No more than 1.5 acres to be disturbed at one time.

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

- h. Acceptance of the road/related drainage/lot easements is subject to Selectmen’s action. Transfer to Town requires easements, mortgage subordination, etc. If not accepted, applicant will require additional review/approval by Board as to Association accepting road/responsibility. Drainage easements to Town on Middle Route if open space does not go to Town– applicant acknowledged.
- i. Occupancy permits will be allowed without the top coat of pavement being installed as long as required security is in place– applicant acknowledged.
- j. Participate in lane upgrades to Rte 106/Brown Hill Rd intersection based on the percentage of impact from development identified by report of Stephen Pernaw– applicant acknowledged – staff has contacted NH DOT regarding these upgrades – awaiting response.
- k. Work with abutter on tree buffer removed along 215-006– applicant acknowledged.
- l. NH Attorney General project registration– applicant acknowledged.
- m. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate– applicant acknowledged.
- n. Association shall maintain clear sight distance for driveway onto Province Road– applicant acknowledged.
- o. All exterior lighting shall be shielded from abutters and traffic– applicant acknowledged.
- p. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days– applicant acknowledged.
- q. No changes shall be made to the approved plans unless application is made in writing to the Town– applicant acknowledged.
- r. Approval is subject to expiration, revocation and changes in the Ordinances– applicant acknowledged.

The motion was seconded by W. Peterson and carried. (4-0-2) C. Patten and J. Pike abstained.

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted to approve the minutes of the January 11, 2010, meeting as submitted. (6-0)

STAFF REPORT:

BIOSOLID MEETING:

C. Daigle handed out an email from Mr. Ken Knowlton asking for a joint meeting of the Conservation Commission, Planning Board and Board of Selectmen to discuss strategies to educate the public on biosolids. The Board discussed the fact that they have had three public hearings and had power point presentations on biosolids and they don't know of anything else that needs to be discussed. The public has its opinion about what biosolids will do for the town. J. Pike stated that he would rather err on side of caution than face problems in the future. The Conservation Commission has worked hard on researching biosolids and putting together the power point presentations. The supporters are the ones who come out and vote. P. Harris stated that education is the best process. Whoever talks the loudest is heard. The Boards and Commissions need to show up at voting to make their position heard. It is important that they are at the polls to answer any question and provide the public with any necessary information. It was the consensus of the Board that additional meetings are not necessary at this time.

SNOCROSS EVENT TAX LOT 246-001:

C. Daigle reported that the snocross event held the weekend of January 23rd & 24th was a success. The fueling was done in a controlled situation with no problems. There has been a good response from town's people. The attendance was good and they are looking forward to more events.

ADJOURNMENT:

MOTION: On a motion by C. Patten, seconded by J. Pike, it was voted unanimously to adjourn at 7:54 p.m. (6-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant