



TOWN OF BELMONT, NH

PLANNING BOARD

Monday, July 27, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

Present: Chairman Peter Harris; V. Chairman Ward Peterson; Members Claude Patten, Gary Flack, Christine Long and Jon Pike Ex-Officio.
Absent: Member Russell Davis; Alternates Reginald Caldwell, William Rollins and William Otto.
Staff: Town Planner Candace Daigle, Land Use Technician Richard Ball, Building/Code Enforcement Officer Steven Dalton and Fire Chief James Davis.

The chairman opened the meeting at 7p.m. and welcomed those in attendance. He asked the Bowes to accommodate a request from Ms. Bascom to switch the application sequence to accommodate a family emergency. The Bowes agreed.

PLAN SUBMISSION MEETING and PUBLIC HEARING – Elizabeth B. Bascom: Request for site plan approval for an Assisted Living Facility for up to 20 full-time and 4 part-time occupants. Property is located at 87 Horne Road, Tax Lot 110-006 in the “R” Zone. PB # 0909P.

The chairman read the application notice and lot history from the application staff report.

Plan Submission – Elizabeth B. Bascom:

Ms. Bascom was present for this application. No new waivers were requested related to Plan Submission.

Ms. Bascom asked to amend the notice explaining it would actually not be 20 occupants but up to 12 full-time (6 residents and 6 staff) and up to 8 part-time (4 day residents & 4 day staff). It's a lower number than what was noticed.

MOTION: On a motion by W. Peterson, seconded by G. Flack, it was voted unanimously to accept the application 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 September 30, 2009 subject to extension or waiver. (6-0)

Public Hearing – Elizabeth B. Bascom:

The chairman opened the public hearing portion of the application. Ms. Bascom was present for this application. No new waivers were requested related to the merits of the application.

Ms. Bascom explained that the proposed facility would consist of two separate living units, each with 3 client bedrooms with joint living areas, a public bathroom and one staff unit with 2 bedrooms, a living room & kitchen. Approved plans by the Fire Marshal will be submitted. She referred to the fire alarm and electrical plans.

The lower level and the upper level staff quarters will be finished first. Then licensing for the lower level will be obtained. Then they will finish the upper level client area and obtain licensing for the upper level. Since the upper level staff quarters are self-contained, they can be occupied while the upper level client area is being completed. They want to be in for the start of the school year so their 18 year old son can start in the Belmont High School.

The utility and fire plan have been submitted here and to the 3rd party reviewer. The Zoning Board approval for an amended special exception was granted on July 22nd. Parking is as indicated on the previously approved site plan; 14 spaces, 11 on gravel and 3 behind the building. Using the Site Plan calculation of 1.5 spaces per unit results in needing 12 spaces. Residents will include mid-level Alzheimer's patients who will not have vehicles. For events with multiple guests, there is also additional space for parking across the field from the parking lot. The 14 spaces provide safe and convenient parking for users and remove any demand for on-street or improper parking. There will be no impact on neighbors. For waste storage and collection they propose covered waste containers stored in a shed and then they'll be transported off site for disposal. C. Daigle noted the Town did not have a contract with any facility to accept trash delivered in that manner. Such facilities must contract with a dumpster/hauler. The Board noted a dumpster would be required and it will have to be on an impervious surface and screened/gated. Ms. Bascom agreed to that.

Building Official S. Dalton noted that the only thing still outstanding for the issuance of a building permit is the approved plans from the NH State Fire Marshall's office. Because the facility will be a State licensed 805 facility, the jurisdiction lies with the Fire Marshall. Upon his approval the plans would be forwarded to the Town for any additional conditions. However, he and the Fire Chief have been working closely with the Fire Marshall and the Fire Marshall has already incorporated into his review local needs.

Ms. Bascom reiterated that she feels the number of spaces is adequate because the 6 clients are not likely to drive. J. Pike noted that even if they don't drive all the individuals coming in to provide services and to visit are going to need parking spaces. S. Dalton noted that 2 of the spaces have to be handicapped. W. Peterson noted that there are also quite a few visitors like spouses which can add up to a lot of parking accessory. Thirteen spaces were previously approved, but that was based on only phase 1 of the project, which is now being built out. Ms. Bascom noted people can park along the side of the driveway. P. Harris noted that such parking is not available in the winter or spring and must also be situated to provide for emergency access. Ms. Bascom noted that she doesn't have the money to put in more parking and offered to keep the field plowed. She noted there were about 80 students and 12 staff when the school was still open and she taught there. The demand for the proposed facility will be less than it was for the school. They are aware that the safety of their clients is a priority. She is still proposing 14 spaces.

S. Dalton noted they have to have 2 handicapped parking spaces which is going to reduce the availability of those 2 spaces to other users. Ms. Bascom noted that the 17 spaces required by the Ordinance would be sufficient because the clients would not have cars. P. Harris noted his concern was basing a safety requirement on available financing. He feels that is not the correct way to calculate the

number of needed spaces. The Board reviewed the plan and proposed additional parking spaces. One more might be added in the lower row of spaces. Ms. Bascom noted that handicapped spaces have to be larger so they did not previously try to fit more spaces. They have to have one handicapped space for the lower level and one for the upper level.

S. Dalton cautioned the Board to look at this project as two separate facilities, each needing their own supporting facilities. The two levels are even physically separated with no interior connection/stairway. They are licensed separately. J. Pike recommended tabling the matter until a plan is submitted showing where all dedicated parking will be so that it is accessible to each unit. Ms. Bascom noted the delay would create tremendous hardship for her. P. Harris noted that they haven't seen an adequate plan yet. C. Daigle explained that the calculation for needed parking changed from the first application to the second because of the addition of two 2-bedroom staff apartments versus having only 2 staff members. Ms. Bascom asked that the Board waive 3 spaces for up to 2 years. W. Peterson suggested constructing 3 or 4 graveled parallel spaces along the parking lot out front. Ms. Bascom agreed to put 3 more spaces along the driveway with one handicapped space at each entrance. She requested that gravel surfacing be accepted. P. Harris noted this discussion is all related to providing a safe facility. J. Pike asked about the dumpster. Ms. Bascom stated it will go where shown on the plan, with an impervious surface, fencing and a gate. She asked about vegetative screening, but felt that the full screening required with vegetation would be more costly than fencing.

BOARD'S ACTION – Elizabeth B. Bascom:

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. Plan:
 - a. Add the construction of 3 additional parallel parking spaces with 2 handicapped parking spaces, one adjacent to each level entrance.
 - b. Show relocation of proposed dumpster if in conflict with parking spaces.
2. Requires Special Exception (already approved).
3. Requires State license and State approved construction plans.
4. Requires Town building permit.
5. Payment of decision recording fee (check made payable to Belknap County Registry of Deeds in the amount of \$16.44).
6. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
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. 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. Install any additional parking spaces required by this approval.
10. Install dumpster on solid surface and screen/gate.

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

11. Landscaping 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 G. Flack by and carried unanimously. (6-0)

PLAN SUBMISSION MEETING and PUBLIC HEARING – Donna Bowe: Request for subdivision approval to subdivide one lot into two. Property is located at 148 Mile Hill Road, Tax Lot 205-034 in the “R” & “RS” Zones. PB #0809P

The chairman read the application notice.

Plan Submission - Donna Bowe:

Mr. Bryan Bailey and Mr. & Mrs. Bowe were present for this application.

Mr. Bailey explained the property is located at the intersection of Mile Hill, Horne and Friend Roads. There is an existing home and a number of out-buildings very close to the intersection. It is a 45.4ac tract of land and enjoys a 135’ wide PSNH easement through the property from southwest to northeast. There is also a significant topo break, wetlands and steep gorge that bisect the property. They want to utilize the property in a simple and low intensive way by subdividing one 15ac lot off of the south and west side, utilizing that draw/wetland as the natural dividing line between the two useable sections. That alignment was provided by the topography. There will be 1,598’ of frontage left on Horne and Mile Hill Road. The other odd item about the property is that there is an old section of road located at the corner of the property. The plan depicts the paved or travelled section with a stone wall on the north side of the present travelled way; then the contour lines which indicate the original roadway and then another stone wall which is the property line of the abutting properties. The road Row is very irregular at that location resulting from a realignment of the original road which has never been abandoned making the ROW very irregular. They are utilizing 183’ of frontage on that odd shape of the highway. It does provide more than the minimum required by the zoning. Both of the lots are far in excess of the minimums required for the zone; and because the size of the proposed lot is in excess of 5 acres it is exempt from NH DES subdivision review. It is not exempt from septic system requirement though, and they have already submitted the design to NH DES. They are also showing the 10K area for the Town Zoning as the buildable area and it is where the house is proposed. The building site is set back quite a way from the road and won’t be seen from the driveway. The new entrance has already been constructed. There will be no changes to the remainder lot. They believe their plans are complete. He spoke to the waivers requested being additional soils, the ID of 15% slopes on the plan, and utility letters since they are all in existence on the highway. They have also asked to waive underground utilities on

the new lot. There is a utility pole on the north side of Horne Road just to the west of the new driveway to serve the new lot. The next utility pole is on the south side so the utility lines cross the property line at that location. They want to bring one utility pole to the driveway or property line of the property and then go underground from there. Mrs. Bowe's daughter and son-in-law will be building there and they want underground power.

BOARD'S ACTION - ACCEPTANCE - Donna Bowe:

MOTION: On a motion by J. Pike, seconded by C. Long, it was voted unanimously to grant the following waiver:

Additional soils info due to the size of the lots on the condition that the updated soils names are used on the final plan.

(6-0)

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to accept the application 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 September 30, 2009 subject to extension or waiver. (6-0)

Public Hearing – Donna Bowe:

The chairman opened the public hearing portion of the application. Mr. Bryan Bailey and Mr. & Mrs. Bowe were present for this application. The chairman asked for any questions from the public. Wendy and Fred French represented the Belknap County 4-H Fair Association. They are happy to hear it will be going to the Bowe's family as they've been a great help to the Association.

Upon a question by G. Flack Mr. Bailey noted the snowmobile trail, located in the PSNH easement will not be affected. Upon inquiry by P. Harris, Mr. Bailey also noted there is no change to the rear of the property so no wildlife corridors that exist will be impacted. He reiterated that the utility line is on the same side of the road as the property and they are prepared to go underground from their property line. It would be about 100' of extra trench to go from the existing pole.

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

BOARD'S ACTION – APPLICATION - Donna Bowe:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to grant the following waivers:

1. Identification of 15%+ slopes on plan as the new access is installed, the large size of the lot and the available reasonable area for development.
2. Submittal of utility letters as there is no interior public road and only one lot is being created.
3. The installation of underground utilities to the lot line; however underground utilities shall be installed on the lot.

(6-0)

MOTION: G. Flack 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 (5 paper, 2 mylar)
 - a. Add a single lot frontage distance for remaining lot.
 - b. All driveways to have paved apron to be installed.
 - c. All pins and bounds to be set.
 - d. Update soils names.
 - e. One paper copy of plan with existing not-in-current land use area dimensioned on the plan.
 - f. Define above/underground utility placement.
2. Submission of Recording fee.
3. Compliance hearing shall be held by Board as necessary.

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 C. Patten and carried unanimously. (6-0)

OTHER BUSINESS:

1. Minutes:

MOTION: On a motion by C. Patten, seconded by C. Long, it was voted unanimously to approve the minutes of July 13, 2009 as written. (5-0-1 J. Pike abstaining)

2. Staff Report:

- a. Level Headed Construction – 223/020:
The chairman signed the final 3-lot subdivision plan.
- b. Janis L Powell Trust of 2006:
The chairman signed the final 2-lot subdivision plan.
- c. Updates:
 1. Earth Excavation: No additional info.
 2. Mooney: No additional info.
 3. DES Rule Change (when a new septic design is required): No Additional info.
 4. Dionne golf cart: Mr. Dionne has covered the golf cart. He's just trying to dispose of it. He's called a towing company to remove it. He will come back to the Board during the winter regarding changes in his sales.
- d. CIP/Budget:
 1. Capital Budget for 2010 – C. Daigle inquired if the Board had any requests for

2010. Info must be submitted by 8/14. The Board did not request any Capital funding.
2. Operating Budget for 2010 – C. Daigle inquired if the Board had any requests for 2010. Info must be submitted by 8/28. She also inquired as to how the Board would like to act on her contract which should be determined during the budget season although it does not expire until 4/1/10. The Board usually considers whether they want to enter into a renewal, whether they have any items they want to see changed, and how they will complete a performance evaluation. The Board requested that evaluation forms and a copy of the current contract be provided to the members. They will complete and submit the evaluation. J. Pike requested that a non-public session be scheduled for the next meeting to discuss compensation.
 3. Staff will attempt to have CIP info to Board for the 8/24 meeting.
- e. Belmont Village Revitalization Committee: J. Pike suggested that the Belmont Village Revitalization Committee be invited to a Planning Board meeting.
 - f. Enforcement – Tax Lot 102/2: – Auto Depot is currently under an eviction order so enforcement of the carport is temporarily on hold as the owners have committed to its removal.
 - g. Timely Reminders Newsletter: At the suggestion of Marshall Ford, staff will be developing a Timely Reminders Newsletter to distribute to new and existing property owners and residents. It will be mailed to all new owners determined by deed change and also be available on our website and at Town buildings.
 - h. August Work Session: The Board cancelled the August 10th work session.
 - i. Subdivision Amendments: The Board previously received the proposed subdivision amendments. The primary focus of the amendments is to better develop the project inspection/observation process and road construction standards. The proposal has been reviewed by and developed with the assistance of Public Works, Gerry Lang PE, Town Counsel and Underwood Engineering. The Board directed that the amendments be posted for the August meeting.

Adjournment:

MOTION: On a motion by C. Patten, seconded by G. Flack, it was voted unanimously to adjourn at 8:53p.m. (6-0)

Respectfully submitted:

Candace L. Daigle, Town Planner