



TOWN OF BELMONT, NH

PLANNING BOARD

Monday, October 26, 2009
Belmont Corner Meeting House
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chairman Ward Peterson; Members Claude Patten, Christine Long and Russell Davis.
Absent: Members Jon Pike and Gary Flack; Alternates Reginald Caldwell, William Rollins and William Otto.
Staff: C. Daigle and R. Ball.

The chairman opened the meeting at 7p.m. and welcomed those in attendance.

PUBLIC HEARING - James & Annemarie Coviello (Amend Previous Subdivision):

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 #07-09P.

Mr. & Mrs. Coviello were present and Mr. Coviello reviewed the changes he was proposing. He has eliminated one driveway, added one site, eliminated the age-restriction and modified the phasing scheme. There will still be five sites in Phase 1 but in a different location than previously approved. He is increasing the number of bedrooms in some of the units, and the well and septic designs support that increase. He is also requesting that the Board allow him to delay posting security until construction begins and also delay having to obtain septic approvals until he applies for the related building permits. He also wants to delay obtaining the driveway permit until he's ready to begin the project. He had added to the plan the amenities requested by the Board. They include a half-court basketball court, a grassy area with two picnic tables, a swing set and see-saw. He will also be installing a chain link fence around the detention pond. He is asking the Board for conditional approval. He acknowledges the need to submit his water design to Town's engineer for approval. As a result of that review, he'll make any changes to those plans that are necessary. He will begin that review process as soon as the approval is given. The Town's engineer has acknowledged that the drainage does not need to be reevaluated due to the proposed changes. An amendment of the State's alteration of terrain permit is required.

The chairman opened the public hearing. W. Peterson asked about the timing to install the recreation facilities. Mr. Coviello stated they will be installed in conjunction with phase 2. He went on to explain that was one of the benefits of the amended proposal; where the old plan required a temporary location for both the mail-boxes and dumpster they'll be put in the permanent location right away under this proposal. W. Peterson asked about the bus-stop particulars. Mr. Coviello stated he would grade and grass the area, fix the adjacent stone wall and place a bench.

W. Peterson asked if the septic was still designed as several systems and pointed out that such community design approvals were usually required as a condition precedent. Mr. Coviello stated the designs stayed the same with only one additional system added for the 19th lot. He will build them as they are needed. He believes that the State site plan approval looked at having enough space to support the systems. He asked to design the systems as they are needed pointing out that his engineer had evaluated each test pit as they were dug. W. Peterson pointed out that the design has to be completed and the permit obtained from the State before system approval is assured. Mr. Coviello stated that if there's a problem and he can't get septic approval then he can't move forward. W. Peterson reiterated that such approvals are usually a condition precedent (required prior to plan signing/recording). Usually conditional approval is granted, but there are conditions that must be complied with prior to plan signing/recording. R. Ball pointed out that the way the systems are currently designed, a single system is proposed to support units in both Phase 1 and Phase 2; how will that be handled; will the systems be phased? Mr. Coviello stated that if a system supports units in both Phase 1 and Phase 2, the whole system will be built as part of Phase 1. R. Ball pointed out that process may require Mr. Coviello to actually install all the tanks between the unit(s) in Phase 1 and the system location. Mr. Coviello stated that has been included in the budget for Phase 1.

P. Harris asked what happens to the amenities if Phase 2 never happens. He suggested that the recreation area be included as part of Phase 1. Mr. Coviello stated he will do that if the Board directs him to; it's not that much of a job. P. Harris suggested that way the first tenants could have input on what they want to see done. Mr. Coviello noted it's a bad economy right now; Phase 2 may never happen; what if there are no kids in the first units; why put in playground equipment. P. Harris noted that 3-bedroom units would seem attractive to families with children. Mrs. Coviello stated the rooms can be used for other purposes such as a study. Mrs. Coviello wants to put in the picnic tables and then see what type of occupancy they get and what else might make sense as an amenity. P. Harris stated it made sense to see what the tenants want. Mr. Coviello stated the project is not going to start this week, but they need to get the plan signed and recorded to protect their investment. He can come back in a year and ask for an extension if they don't proceed. C. Daigle pointed out that the Board has been consistent on requiring any plan to be recorded be fully secured. P. Harris noted it is not the Board's wish to place a financial hardship on anyone, but it's also not prudent to hurry something through without due consideration. P. Harris noted that the applicant has made it clear that they're not being held up by the Board; they don't plan to start the project in the near future. Mrs. Coviello stated they have to get approval because not having it is making them sick. They need approval. They've been trying for years. R. Ball pointed out that is not true they could obtain conditional approval at this meeting and that they'd be in the same position as they currently are with their 2008 conditional approval. P. Harris agreed that the applicant keeps changing their plan.

Mr. Coviello asked what was outstanding from recording, only the water design review. C. Daigle asked if Mr. Coviello had reviewed the staff report which clearly identifies what items are proposed to be conditions precedent. Mr. Coviello said he has and understands the list.

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

BOARD'S ACTION – James & Annemarie Coviello (Amend Previous Subdivision):

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. Security – (shall comply with full standards of the Town’s Project Security/Construction Process):
 - a. Prior to any site work:
 1. escrow for independent review of water plans;
 2. escrow for independent construction observations;
 3. escrow for closure in case of abandonment (may be phased along w/construction, but must cover all disturbed areas).

Applicant shall submit updated engineer’s estimate of closure and construction costs. Independent reviewer/observer shall submit estimate of inspection costs.
 - b. Prior to plan signing/recording – escrow for all incomplete improvements, setting of pins and bounds, and record (as-built) plans. Applicant shall submit engineer’s then updated estimate for improvements (total remaining, not phased) and surveyor’s estimate for pins, bounds and plans.

Amount to be set by staff. Security to be in a form approved by the Town. Retainage of 10% until complete and 2% for one year post-completion.
2. Amenities to be installed as part of Phase 1 shall include:
 - Bus stop area to be graded, grassed, wall fixed, bench installed
 - Sidewalk panel (of Phase 1 road)
 - Cluster mailbox unit
 - Grade/grass recreation area

Amenities to be installed as part of Phase 2 shall include:

 - Full Playground/recreation equipment as identified on the plans
 - Public Gardens
 - Remainder Sidewalk panel
3. Payment of decision recording fee (amount to be set at time of recording).
4. Submission of amended NH DES Alteration of Terrain Permit.
5. Submission of final plans (1 mylar and 6 paper copies of full plan set, and one reduced full plan set) with changes identified in staff report Post Approval in October 26th staff report (below).
 - a. Existing Conditions Plan:
 1. remove 2nd DW & “gated” note on primary access
 2. Wetlands certification is covered – to be cleared.
 - b. Sht 3 of 17:
 1. Narrative Overview-add note that this proposal replaces the 6/23/08 approval.
 2. Narrative Overview #4-“(See note 9? On Sheet 3 of 17)” should be note 7?
 3. Notes #12 be specific. Units 1,12,13&14 to be 2-BR max; Remaining units 3-BR Max.
 4. Setback Note #1-correct Article to #8.
 5. QAP shall be amended to reflect Town’s current Project Security/Construction Process which includes requirement for applicant’s engineer and surveyor to remain intimately involved with the day-to-day construction activities such that the engineer can certify the quality of all work performed.
 - c. Shts 4 & 5 of 17:
 1. Any Grade, loam & seed playground area.

- d. Shts 4, 5, 5.1 of 17:
 1. Wetland crossing -“(See note 9? On Sheet 3 of 17)” should be note 7?
- e. Sht 7 of 17:
 1. Add extension of two required gravel courses out to the ditch line and/or toe of fill and also painted centerline.
6. Applicant shall sign and follow Inspection Schedule prepared by the Town/independent observer.
7. Approved Septic Designs for all Phase 1 units required to start of construction of Phase 1 and for Phase 2 upon commencing Phase 2.
8. Compliance hearing shall be held by Board as necessary.

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

9. Copies of start/end of construction notification to NH DES shall be submitted when sent to DES for wetlands crossing.
10. In addition to the milestone independent observations conducted by the Town, the developer shall contract with his design engineer and surveyor to be intimately involved with the development of the site as required by the Town’s Project Security/Construction Process, such that the design engineer/surveyor shall be able to produce written confirmation of all work as required by that Process.
11. Construction shall be monitored by a consultant appointed by the Board at the applicant's expense.
12. 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. Construction schedule should be developed to avoid activity during spring road-posting season.
13. Copy of updated site lease agreement w/o age restriction language.
14. As-built plans for structures, utilities, roads, drainage and other site improvements required prior to occupancy/use.
15. All other conditions of the original approval (sprinkler systems, underground utilities, quality assurance program, etc.) shall remain in effect.

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

16. Landscaping, screens and buffers shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
17. All exterior lighting shall be shielded from abutters and traffic.
18. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
19. No changes shall be made to the approved plans unless application is made in writing to the Town.
20. Approval is subject to expiration, revocation and changes in the Ordinances.

Mr. Coviello said he would rather only prepare the recreation area and not install the equipment in Phase 1. W. Peterson noted that the Board had already required Mr. Coviello to add to the plan the specifics of the equipment, but he agreed that with only five units in Phase 1, it made sense to add the actual equipment when Phase 2 commences.

The motion was seconded by W. Peterson and carried. (5-0)

PLAN SUBMISSION MEETING and PUBLIC HEARING – James & Annemarie Coviello (Extend Previous Approval): 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.

Mr. & Mrs. Coviello were present for this application. Mr. Coviello withdrew this application to extend his conditional approval of this proposal as the new resubdivision (above) replaces this approval.

The Board accepted the withdrawal and this file will be closed.

PLAN SUBMISSION MEETING and PUBLIC HEARING – BPS Realty LLC: Request to extend Site Plan approval for one year (10/23/10) to construct a 50’x112’ twenty-bay truck terminal and a 20’x50’ office. Property located at 23 Industrial Drive, Tax Lot 235-040 in the “I” Zone. PB #1309P.

Mr. and Mrs. Kenneth Bonnette were present for this application. Mr. Bonnette explained that they are still waiting for acceptance of the proposal by the tenant. That’s why they’re asking for the extension. It’s a tough economy which causes them to keep putting it off.

BOARD’S ACTION (Plan Submission) – BPS Realty LLC:

MOTION: On a motion by W. Peterson seconded by C. Long the application was 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 12/30/09 subject to extension or waiver. (5-0)

Public Hearing – BPS Realty LLC:

The chairman opened the public hearing portion of the review. Mr. and Mrs. Kenneth Bonnette were present for this application. No abutters were present.

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

BOARD’S ACTION (Application) - BPS Realty LLC:

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:

1. All conditions of the original approval remain in effect.
2. Compliance hearing shall be held by Board as necessary.
3. Extension is to 10/23/10.
4. No changes shall be made to the approved plans unless application is made in writing to the Town.
5. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.

6. Approval is subject to expiration, revocation and changes in the Ordinances.

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

PLAN SUBMISSION MEETING and PUBLIC HEARING – Metrocast Cablevision: Request for site plan approval to construct a 51' x 48' addition with additional parking. Property is located on 9 Apple Road, Tax Lot 204-004 & 005 in the "C" Zone. PB #1109P.

Mr. Jason Hill of Holden Engineering was present for this application and provided a colored landscape plan of the site. He explained the proposed site plan including identifying the area across the municipal line in Laconia. There are 3 tracts totaling roughly 5 acres. Metrocast Cablevision occupies the site on this property located off Old Prescott Hill Road. The site is served by private water and sewer from Lakeland Management. They are proposing a small 48'x52' building expansion to the north of the existing building and a small customer service entrance to the south. Additionally they are proposing an expansion of the existing parking lot into a graveled area currently used for satellite dishes. No increase in the number of employees is proposed so there will be no expansion in use of water or sewer. They are requesting two waivers including the level 2 soils report since there is no additional land disturbance and no septic and they are using published soils data. The second waiver is for the photometric data for the lighting since they are only relocating and not adding to the existing lighting. All lights are full cutoff design. No light is cast onto any adjacent properties. They will also be increasing water treatment with a vegetative swale. Currently a lot of sediment comes off the dish area. They will be reducing the runoff which tends to clog the drainage system in both Apple Road and Old Prescott Hill Road.

BOARD'S ACTION (Plan Submission) – Metrocast Cablevision:

MOTION: On a motion by W. Peterson seconded by C. Long the following waiver was granted:

Level 2 soils report as this is an expansion of an existing developed site and the structures are on municipal sewer and community water. (5-0)

MOTION: On a motion by C. Patten seconded by R. Davis the application was 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 12/30/09 subject to extension or waiver. (5-0)

Public Hearing – Metrocast Cablevision:

The chairman opened the public hearing portion of the review. Mr. Jason Hill was present for this application. They are proposing a sprinkler system within the building expansion.

Ms. Orié Gibbs, an abutter at 167 Tiffany Drive asked if the proposal included expanding the rear parking lot towards the joint property line. Mr. Hill noted that they are adding a 14' wide rear access to the parking lot to improve internal circulation. There is currently a stockade fence back there. They are not proposing any work to the east and no additional lighting. Ms. Gibbs stated that the lights have not been offensive to date. If they did expand she'd like to see that the fence be extended, but it looks fine as proposed.

P. Harris asked about the hours of operation during construction. Mr. Hill noted they would be normal construction hours, 7:30am to 5:30pm. W. Peterson asked about staff's drainage comments. R. Ball stated that he and Mr. Hill have hammered out the drainage issues with Holden making the requested changes. W. Peterson asked about the proposal to relocate lights. Mr. Hill noted they are not adding any lights, only relocating the existing aluminum pole/full cutoff lights as shown on the plan. He clarified that they will be encroaching into the treed buffer 10' at the location of the new building.

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

BOARD'S ACTION (Application) - Metrocast Cablevision:

MOTION: On a motion by W. Peterson seconded by C. Long the following waiver was granted:

Submission of existing/proposed exterior lighting intensity and cone of illumination as this is an expansion of an existing developed site, buffers are being maintained and there have been no complaints on existing lighting impacts. (5-0)

MOTION: C. Long 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 plan sets (1-mylar, 5-paper, 1-reduced)
 - a. ID all abutters units/ownership on plan.
 - b. Plan to be signed by City of Laconia rep.
2. Submission of building plans, approved by Building Inspector & Fire Department prior to plan signing. Shall comply with all applicable building, fire, health, and life safety codes.
3. Payment of decision recording fee (check payable to Belknap County Registry of Deeds-\$16.44).
4. Sign/return one copy and follow staff inspection schedule (to be provided post approval).
5. Permits:
 - a. Selectmen's permit to work in ROW for drainage work within Old Prescott Hill Road ROW.
 - b. EPA NPDES notification (prior to construction).
6. Compliance hearing shall be held by Board as necessary.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

7. Occupancy/use of improvements requires submission of 2 paper original as-built site plans including structures, utilities, roads, drainage and other site improvements. Plans shall be reproducible in black/white, e.g. through the use of differentiating graphics (pre/post contours dashed/solid), identifying notes, etc.
8. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
9. 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. Construction schedule should be developed to avoid activity during spring road-posting season.

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

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

The motion was seconded by W. Peterson and carried. (5-0)

PLAN SUBMISSION MEETING and PUBLIC HEARING – Quain Trust Philip Brouillard

Trustee: Request for subdivision for Condominium Conversion approval to change form of ownership. Property is located on 930 Laconia Road, Tax Lot 122-057 in the “C” Zone. PB # 1409P.

Mr. Brouillard and Mr. Bryan Bailey were present for this application. Mr. Brouillard explained the proposal was to condo the site, the existing front building into one unit, the rear building into 3 units and the unconstructed building into a 4th unit. He stated he was in agreement with all issues on the staff report with the exception that commercial developments are exempt from attorney general registration and he requests the Board accept an exemption request in place of AG registration. He’ll be glad to submit the law with a request for exemption.

Mr. Brouillard explained that there are some uses and encroachments on the property that they’ll clean up. The above-ground LP tank will be removed and they will connect to the existing underground tank. The parking lot will be reconstructed and the drainage repaired. There is no change in use proposed. Mr. Brouillard requested acceptance and conditional approval with the conditions in the staff report. Some of the businesses would like to purchase their space to create some equity in their units. They have already replaced the roof on the front building and will be replacing the roof on the rear building. They will also be replacing the trim on the back building and will be repaving the parking lot and reconstructing the drainage.

Mr. Bailey explained their waiver request for a soils map & report because the property has municipal sewer and water and there is no change in the site. He explained their waiver request from submitting a topography plan because no construction is contemplated and the site is complete.

BOARD’S ACTION (Plan Submission) - Quain Trust Philip Brouillard Trustee:

MOTION: On a motion by C. Patten seconded by W. Peterson the following waivers were granted:

1. Soils Map & Report as there is no physical change in site proposed.
2. Topography Plan as there is no physical change in site proposed. (5-0)

MOTION: On a motion by C. Patten seconded by R. Davis the application was 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 12/30/09 subject to extension or waiver. (5-0)

Public Hearing – Quain Trust Philip Brouillard Trustee:

The chairman opened the public hearing portion of the review. Mr. Brouillard and Mr. Bailey were present for this application.

Mr. Bailey explained they met with staff and talked about several items including the drainage system originally designed in the early 1990s which has deteriorated and is in disrepair. Mr. Brouillard has offered to take care of that as part of this process. Encroachments along the back of the building are to be cured. The dumpsters have been relocated to the NW corner of the lot but need to be screened and gated. The tractors and trailers will be removed. The aquifer paperwork and inspection will be taken care of. He explained that the future upper parking lot is disclosed by way of referencing prior approved plans. The rear building triggers the conversion of the parking lot area. Mr. Bailey offered to place a note on the plan referencing the future parking area. Mr. Bailey noted the French drain system was built improperly to begin with and it will be removed and replaced, but not just as five separate bowls. The existing system failed because the drains were not cleaned annually. They will use the same concept in reconstructing the system, but with newer materials and technology and there will be maintenance. Mr. Brouillard stated his guarantee that the reconstructed drainage system will be maintained. R. Ball asked if the applicant had considered tying the on-site drainage into the new State drainage system. Mr. Brouillard explained that they had talked with the State at the time Rte 140 was reconstructed. The on-site surface flow is tied into the Rte 140 system, but the underdrains are too low to get into the off-site subsurface collection system. So they will continue to utilize an on-site system with any overflow being directed into the off-site system.

Mr. Mark Condodemetraky, an abutter, stated that they have no problem with converting to a condominium form of ownership, but one of the main issues is the drainage. That does need to be addressed. There are major, major problems there. That system was never design correctly to handle the amount of water that comes onto that lot. Now Rte 106 has been expanded there's more water coming down. Currently the system has failed. The grading of the lot is incorrect as well. To the NE the water channels down and onto the Condodemetraky property and to the NW it comes directly off the lot and onto the Bishop property although he is not here to speak for Bishop. However, if the Bishop property is sold and the new owner wants to develop it, he/she may put up a berm to keep the Quain water off. That will further affect the drainage onto the Condodemetraky lot. The other issue is the encroachments. There is encroachment of a driveway onto their property and the tenants park on their property. There is also an encroachment onto Mr. Bishop's lot. How are the encroachments going to be addressed, with fencing or vegetation? If there is going to be a note about the expanded parking, that will create more runoff, there needs to be some drainage study done prior to any kind of final approval.

Mr. Bailey did not disagree with the failed system or with Mr. Condodemetraky's assessment of the lay of the land. Mr. Brouillard stated this is an existing property and once that drainage system is repaired there won't be any water going onto their property. The drainage matter was resolved by the Board under the previous approval. They will work with the Fire Department and Building Official to eliminate

encroachments. No parking on the abutting property has been approved. The condominium docs do not allow parking of tractor trailers. He believes there will be no drainage issues after they have been repaired.

Mr. Condodemetraky noted this is a commercial zone and there will be commercial development on Mr. Bishop's property eventually. If someone came in and decided they wanted to prevent water running onto their property it would severely damage Mr. Brouillard's lot. Mr. Bailey noted in 1994 it was understood that water drains downhill and there was existing surface runoff. They understand that the site system has failed and that's why they are fixing it. It doesn't need redesign; it was designed for the maximum buildout of the lot. It only needs repair. All encroachments will cease and desist. The parking, the tractor trailers, the landings and machines have to be removed.

C. Daigle noted that the drainage was previously approved based on an engineer's stamp, however, the Board has the authority to reopen any approval that does not function as represented. She also cautioned the applicant to watch for municipal utilities within the parking lot when repairing the drainage.

M. Condodemetraky noted that water may run downhill, but they cannot increase the runoff onto another's property. The runoff going off the back of the roof on the rear building should be designed to come back into the on-site drainage system, not run directly off site. Mr. Bailey and Mr. Brouillard noted that the landowner will be responsible to an abutter if there is any drainage issue.

P. Harris asked about inspecting the work. Mr. Bailey noted staff is welcome to inspect the site. They will dig up and replace in accordance with the original plans. They will regrade to direct all on-site drainage back to drains. He noted that full build-out was used in the original drainage calculation.

Mr. Ray Simoneau was present for Bishop and agrees with Mr. Condodemetraky.

Mr. Brouillard noted he has agreed with the Town that all outstanding fees and taxes will be paid in full at the first closing. C. Long asked if will there be a condo assoc. Mr. Brouillard explained that he will remain in charge until he sells a majority of the units, probably at least 5 years. Afterwards, there will be an Association.

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

BOARD'S ACTION (Application) - Quain Trust Philip Brouillard Trustee:

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. Outstanding taxes/fees to be made current at the first transfer as they cannot be back allocated to new units.
2. Applicant to submit drainage repair plan for approval. Drainage to be repaired in accordance with approved plan.

3. Encroachments to be cured – off-site areas to be reclaimed.
4. Landings/equipment w/in emergency lane to be removed.
5. Dumpsters screening to be completed and all on-site dumpsters to be located within designated spaces.
6. Tractors and trailers to be removed.
7. Aquifer inspection paperwork to be completed/submitted and inspection facilitated.
8. NH Attorney General project registration or show exemption
9. Submission of final plans (2 mylars, 5 paper copies, 1 reduced copy):
 - a. Show existing/to be installed bollards protecting underground LP tanks & above ground oil tank. Note to remove above-ground LP tank.
 - b. Show trees along property lines.
 - c. Show cured encroachments.
 - d. Note proposed upper parking area.
10. Payment of decision recording fee.
11. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
12. Compliance hearing shall be held by Board as necessary.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

13. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.

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

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

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

PLAN SUBMISSION MEETING and PUBLIC HEARING – Mile Hill LLC: Request for site plan amendment approval to relocate the previously approved contractor's yard on the existing lot. Property is located on Laconia Road, Tax Lot 210-004 in the "C" Zone. PB #1509P.

Mr. Bryan Bailey was present for this application. Mr. Bailey explained the property is owned by Mile Hill LLC on Rte 106 just south of the shooting range and just north of Spears Brothers. Mascon uses it as a contractor's yard. The property has been before the Board several times since they purchased it. The property was previously owned by Pike Industries and mined for gravel.

Mr. Bailey explained that Mascon previously obtained a NH DES Dredge & Fill permit and Planning Board grading approval to fill in a small wetlands area to construct a crossing to access an upland area in the middle of the property. There is a significant wetlands identified on the 31ac lot. The crossing was completed several years ago. Then the owner obtained approval for the contractor's yard in the center portion of the property and also a grading plan approved to fill a portion of the front of the site to bring it up to grade in anticipation of commercial development. That was the last approval. Last year the owners were cited for operating the contractor's yard in the upper, unpermitted section of the property. That is the purpose of this application, to get approval for what exists today – using the area near the front of the lot and an expanded/reconfigured area at the middle of the lot for the contractor's yard. These plans show that they do comply with wetland setbacks and show what is actually being used. The access road in the middle of the property has shifted and the middle contractor's area has grown beyond its prior approval. This application asks to approve the “upper” yard towards the front of the property for the same use (storage of forms, materials, bricks, masonry supplies). The previously approved regrading is finished. They have recaptured topo and resurveyed for these plans.

Mr. Bailey referenced the requested soils waiver noting that all the previous site maps are on file, all the areas being utilized are on non-native fill, and the site was originally a gravel pit. It would be of little or no value to do additional soils identification. When Mr. Bartlett, the owner, was filling the area he did have on site compaction equipment. The site is being used in the most appropriate way. A more intense development might not be good given the steep slopes and wetlands.

There is an area out back that has also been previously cleared by Pike Ind. Mr. Bartlett wants to expand out there at some point in the future, but will need additional approvals. Mr. Bailey noted areas directly behind the gate where there are materials that have to be moved. For the purposes of disclosure Mr. Bailey noted that the client, Mr. Bartlett, is his cousin, the wetlands scientist, Jessica Day, is his daughter and the engineer, Craig Bailey, is his son. He noted that the access road as constructed does approach a 10% in grade instead of the approved 8%, but the use is being changed from public to private under this application.

BOARD'S ACTION (Plan Submission) - Mile Hill LLC:

MOTION: On a motion by R. Davis seconded by W. Peterson the following waiver was granted:

Soils Map & Report as no additional improvements or impervious surface is proposed.
(5-0)

MOTION: On a motion by C. Patten seconded by W. Peterson the application was 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 12/30/09 subject to extension or waiver. (5-0)

Public Hearing – Mile Hill LLC:

The chairman opened the public hearing portion of the review. Mr. Bailey was present for this application. Mr. Bailey spoke to the waivers. A larger scale is unnecessary for the proposed use and all of the larger scale maps used in previous applications are on file. Cross hatching would clutter the plan for the proposed use and the applicant admits that all areas not being used are either steep slope or

wetlands.

P. Harris noted that currently it's quite an eyesore that can be seen from Rte 106. Mr. Bailey agreed there is quite a bit of material right behind the gate, but it has to be moved 200' back from the gate. Once it gets moved it will not be visible from Rte 106. He noted passing motorists should be able to see the vegetated banking, but not much of the yard.

C. Daigle asked about a time for moving that material. Mr. Bailey suggested 45 days. C. Daigle also reported that as of earlier this date, the 2009 aquifer inspection has been completed successfully. Mr. Bailey said the gate is locked and a Knox padlock will be added.

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

BOARD'S ACTION (Application) - Mile Hill LLC:

MOTION: On a motion by R. Davis seconded by W. Peterson the following waivers were granted:

1. Plan Scale of 1"= 100' instead of 1" = 20' as previous plan was submitted at appropriate scale and proposed amendments can be adequately evaluated at this scale.
2. Cross Hatch 15%+ slopes as no additional site improvements are proposed. (5-0)

MOTION: C. Long 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 (1mylar plan set, 5 paper sets and 1 reduced set):
 - a. ID all wetlands/setback graphics used on plan.
 - b. In setback note correct rear setback to 50'.
 - c. Wetland signature.
 - d. Knox padlock on gate.
 - e. Materials to be relocated within the approved yard area shall be relocated no later than December 15, 2009.
2. All unapproved materials (trash) to be removed from the site and appropriately disposed of. If continued deposit of unapproved materials occurs the owner shall be required to supply a dumpster and have it serviced as necessary.
3. Provide outstanding aquifer inspection information to Code Enforcement Officer and successfully participate in annual aquifer inspection program.
4. Payment of decision recording fee – check to Belknap County Registry of Deeds for \$16.44.
5. Applicant shall sign and follow Inspection Schedule to be 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 (shall comply with full standards of the Town's Project Security/Construction Process):

7. Rock armor slope to be inspected/approved by Town.

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

8. No changes shall be made to the approved plans unless application is made in writing to the Town.
9. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
10. Approval is subject to expiration, revocation and changes in the Ordinances.

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

Other Business

A. Minutes:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted to adopt the minutes of 10/19/09 as written. (3-0-2 C. Long & R. Davis abstained)

MOTION: On a motion by W. Peterson seconded by C. Patten it was voted to adopt the minutes of 9/28/09 as written. (3-0-2 C. Long & R. Davis abstained)

B. Other:

Jon Pike: The members signed a card for Jon Pike.

Zoning Amendments: The Board will continue their review of possible zoning amendments at the 11/9 meeting and possibly notice the first public hearing for 11/23. They added decreasing density for Mfg Home Parks in the Rural Zone to the existing Rural density.

Handouts: The Board received additional copies of the Subdivision Regulations, law lectures and adopted Capital Improvements Program.

Adjournment:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted unanimously to adjourn at 9:27p.m. (5-0)

Respectfully submitted:



Candace L. Daigle, Town Planner