

PLANNING BOARD

Monday, April 25, 2005
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman P. Harris; J. Pike, G. Flack, W. Peterson, C. Patten and J. Marden.
Members Absent: R. Caldwell.
Alternates Present: C. Shibles.
Alternates Absent: C. Gilbert.
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7:00 p.m. and appointed C. Shibles as a voting member for tonight's meeting.

PLAN SUBMISSION MEETING – BROADWAY STEEL LLC: Continuation of a request to amend conditions of previous Site Plan approval to modify parking lot and allow outside storage. Property is located at 19 Field Lane, Tax Lot 245-006 in the "I" Zone. PB # 0205.

Mr. Bryan Bailey presented the application.

Mr. Bailey addressed the issue of buffering between the site, Advanced Technology, the vacant lot and Field Lane. They will plant 5'-6' white pines for a buffer around the property. There will be no regrading necessary. The miscellaneous outside storage area has been amended so that the steel racks are on paved surface with traffic bollards behind the steel racks. The 4th rack does not need steel bollards because of its location. Mr. Bailey explained that the tractor-trailer used to store and transport the finished steel welded products will not block the travel way. There is more than 24' between the storage and parking area which is significantly bigger than necessary for emergency access.

BOARD'S ACTION – BROADWAY STEEL LLC:

MOTION: W. Peterson moved to grant the following waivers:
a. Landscaping plan.
b. Quality Assurance Program

The motion was seconded by G. Flack and carried. (7-0)

MOTION: J. Marden 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 June 29, 2005, subject to extension or waiver.

The motion was seconded by C. Patten and carried. (7-0)

PUBLIC HEARING – BROADWAY STEEL LLC:

Atty. Scott McGuffin representing Advanced Technology stated that the reason the applicant is modifying the previous site plan is because he is not in compliance with the conditions of that approval. If granted approval would that insure compliance or increase the non conformity? Mr. Nicholls owns the property and was the primary defendant in the enforcement issue and he needs to be involved in bringing the site back into compliance. There is an increase in intensity of outside use of the building as it is a heavy industrial use vs the light industrial use of the surrounding properties.

P. Harris stated that an occupancy permit will not be issued until the site is brought into compliance. They are bringing the outside uses to the back of building so that it does not affect the abutters as much. They are cleaning up what is there. Mr. Nicholls stated that the previous approval did not stipulate the type of industrial use that could go into the building. If they stipulate what type of industrial uses can go into the building then they would drive businesses away. C. Daigle stated that it is an allowed use in that area. J. Pike stated that this property has been brought back under control within the last year and has been cleaned up. Mr. Nicholls stated that he will make sure that the conditions of approval are complied with.

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

BOARD'S ACTION – BROADWAY STEEL LLC:

MOTION: J. Pike 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:
 - a. Seven paper copies.
 - b. Plan Notes/Graphics:
 1. Identify Area "C".
 2. No Uses, disturbance or activity to be allowed between SW edge of parking lot pavement and the adjacent berm.
 3. No vehicle parking/storage in storage areas.
 4. Vehicle and/or storage shall not block emergency access to north or west sides of

- building.
2. Notice of Decision Filing fee.
 3. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
 4. Compliance hearing shall be held by Board as necessary.

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

5. As-built plans required prior to occupancy/use.
6. Certificate of Use from Code Enforcement Officer required prior to occupancy of the site.
7. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
8. All exterior lighting shall be shielded from abutters and traffic.
9. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
10. No changes shall be made to the approved plans unless application is made in writing to the Town.
11. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
12. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by C. Patten and carried. (7-0)

PLAN SUBMISSION MEETING – DROUIN BUILDERS, INC.: Request for subdivision approval to subdivide one lot into three. Property is located at Farrarville Road, Tax Lot 224-031 in the “R” Zone. PB # 0505.

Mr. Ron Johnson presented the application.

Mr. Johnson explained that the property is located on Farrarville Road with 624.3’ of frontage on Farrarville Road. They are proposing to subdivide one lot into three lots. One lot will have 3.06 acres, one will have 3.84 acres and the remaining lot will have 22.52 acres. Two test pits have been done on the smaller lots but not on the 22-acre lot. He has received subsurface approval on the two smaller lots. The larger lot driveway will be off Farrarville Road. They are waiting for DES approval for wetland crossings. They are asking for waivers for the Quality assurance program, partial wetlands delineation, partial topo delineation and level 2 soils information because there are no site improvement or drainage.

BOARD'S ACTION – DROUIN BUILDERS, INC.:

- MOTION:**
- G. Flack moved to grant the following waivers:
 - a. Quality assurance program.
 - b. Partial wetlands delineation.
 - c. Partial topo delineation.
 - d. Level 2 soils info.

The motion was seconded by J. Marden and carried. (7-0)

MOTION: C. Patten moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by June 29, 2005, subject to extension or waiver.

The motion was seconded by J. Pike and carried. (7-0)

PUBLIC HEARING – DROUIN BUILDERS, INC.:

P. Harris wanted to know about a request for a waiver of underground utilities for the 22acre lot. Mr. Johnson stated that the hardship would be digging the trenches. J. Pike stated that it is the Board's understanding that PSNH does not allow for the wires to go underground then above the surface again.

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

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 recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and recorded.

1. Plans (5 paper copies, 2 mylars, recording fee):
 - a. Correct abutter for 224/30.
 - b. Change tax map numbers (existing house 224/31, 3.84 ac lot 225/009/002, 22.52ac lot 225/009/001).
 - c. Set/certify pins.
 - d. Add existing Town embankment/damage release note.
 - e. Note #6 is not a requirement, but may be offered by the applicant.
 - f. All proposed driveways to have paved aprons.
2. Compliance hearing shall be held by Board as necessary.

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

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

The motion was seconded by C. Patten and carried. (7-0)

PLAN SUBMISSION MEETING – LINDA, DALE & NANCY MOULTON: Request for subdivision approval to subdivide one lot into two. Property is located at 139 Hackett Road, Tax Lot 240-010 in the “R” Zone. PB # 0405.

Mr. Paul Darbyshire presented the application.

Mr. Darbyshire stated that the proposal is for a two-lot subdivision located at 139 Hackett Road in the rural zone. The existing house will be on the 5.002 acre lot. There is a building permit to convert the existing house into a barn. The remaining 11.95 acres slopes from south to north with open fields. Test pits have been done. He used the Belmont soil survey to show the soil types and there are two small wet areas shown on plan. The driveway is an old farm road that has had a culvert across it for some time. Access to the larger lot is 37’ from the 5 acre parcel and had a sight distance of 250’ and 400’. He is asking for a waiver for soil map and report because it is a two lot subdivision. Also a waiver for a Quality Assurance Program because there will be no new construction or any new roads only one driveway. They will provide PSNH with a copy of the approval because of right of way. There is a memorial monument for Mr. Moulton on the property and the deeds will show a ROW for access to the monument. There are gates on Sawtooth Road, which is a Class VI road subject to gates and bars. The gates are not locked. There is a boulder near the gate. There is an abandoned well on the boundary line.

BOARD'S ACTION – LINDA, DALE & NANCE MOULTON:

MOTION: J. Marden moved to grant the following waivers:

- a. Additional soils info.
- b. Quality Assurance Program.

The motion was seconded by J. Pike and carried. (7-0)

MOTION: J. Pike 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 June 29, 2005 subject to extension or waiver.

The motion was seconded by J. Marden and carried. (7-0)

PUBLIC HEARING – LINDA, DALE & NANCY MOULTON:

J. Pike noted that the driveway was not located on the plan. Mr. Darbyshire stated that it would be on the final plans. W. Peterson stated that Sawtooth Road is a Class VI highway that must be open and remain available for public access. The Board discussed whose responsibility it is to remove the boulder from the road. Mr. Darbyshire stated that he would look into who owns the property the boulder is on and if it is on the Moulton’s property they will be responsible to remove it.

J. Marden wanted to know if the abandoned well is a dug well and if it has a cover on it. Ms. Moulton stated that it does have a cover on it.

The chairman asked if anyone in the audience had any 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 recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and recorded.

1. Submission of final plans (2 mylars, 5 paper copies, meeting BCRD recording standards). Plan notes, etc.:
 - a. Clarify which owners own which lot.
 - b. Correct addresses for abutters McCormack and Roberts.
 - c. Add Gilmanton Rd to Rte 140 designation.
 - d. New lot shall be numbered as 238/003/002/000.
 - e. Status of well/radius that is bisected by new P/L
 - f. All pins to be set and so certified on final plan including (as appropriate) monuments at the south corner of lot 10 and the east corner of the new lot.
 - g. Indicate which house has permitted in-law apartment.
 - h. Stamp of wetland scientist locating on-site wetlands.
 - i. New lot utilities to be installed underground.
 - j. CLU info to be updated (and shown on one copy of submitted plan) in accordance with amended plan submitted with new house building permit application (copy on file in Land Use office).
 - k. Specific sight distance for new driveway with driveway location or statement that driveway can be located anywhere along frontage and meet minimum sight distances.
 - l. Show locked gate and remove boulders on Sawtooth if present along frontage of subject parcel.
2. Copy of DES permit/notification for existing driveway wetlands crossing if required.
3. Approval of this proposal does not signify approval for the use of the Class VI Sawtooth Rd for access or building purposes.
4. Copy of plan to be submitted to PSNH.
5. Payment of decision recording fee.
6. Compliance hearing shall be held by Board as necessary.

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

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

The motion was seconded by J. Marden and carried. (7-0)

PLAN SUBMISSION MEETING MARK MOONEY: Request for subdivision approval to subdivide one lot into two. Property is located on South Road, Tax Lot 244-26 in the "R" Zone. PB # 0605.

Mr. Peter Holden presented the application.

Mr. Holden explained that this is a two lot subdivision. The parcel is 51 acres located on South Road and wraps around the back of the Waterson's property. They are creating a 3.2 acre lot which has State septic and well approval. They have added the signature block for Northfield on the plan. C. Daigle explained that once Belmont signs the plan she will take them to Northfield for their signature and then be recorded.

BOARD'S ACTION –MARK MOONEY:

MOTION: J. Marden 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 June 29, 2005 subject to extension or waiver.

The motion was seconded by G. Flack and carried. (7-0)

PUBLIC HEARING – MARK MOONEY:

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 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 plan recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and recorded.

1. NH DES Subdivision approval.
2. Final plans (2 mylars, 5 paper copies, recording fee).
 - a. Add signature block for Town of Northfield (property abuts Town line).
 - b. Add North Arrow basis.
 - c. Add abutter 124/22.
 - d. Correct location of abutter 242/27.

- e. Correct lot number for abutter 242/11.
- f. Set/certify bounds.
3. Compliance hearing shall be held by Board as necessary.

General conditions to be complied with subsequent to plan being signed and 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 G. Flack and carried. (7-0)

OTHER BUSINESS:

A. Preliminary Conceptual Consultation – Carousel Homes.

Mr. Jim Bolduc explained that the proposal is to subdivide 170 acres between Brown Hill Road and Province Road. This is a carry over from a 1980 subdivision approval. The 170 acres are in the rural zone that requires a minimum of 3 acre lots with 180' of frontage. They are proposing an open space development consisting of 28 lots and 2 open spaces. 50% open space has to be non wetland and have flat slopes. The through road will be 22' wide and will need four wetland crossings. The tract was previously approved as a cluster development and was revoked by the Planning Board after it was not completed. The Planning Board determined that the owners of lots in the previous phases have rights to the roads, ROW and open space. They plan to expand the open space making it contiguous with the existing other open space. They plan to put all the lots on Upper Parish Settlement. They are doing a new boundary survey, a topo map and a wetland scientist is also going out to the site. The original design was for 43 lots but the new regulations would only allow 28 lots because of the ROW and landowners rights to the open space. They are looking to cut back on building roads because they do not need as many because of the number of lots being reduced.

J. Marden wanted to know where the access to the open space would be if the new space is connected to the existing space and the roads are eliminated. This is also area where wildlife travels. Open space is a benefit to the wildlife and keeps wildlife out of property owner's back yard. Mr. Bolduc wanted to know if there are trails that run through the property. C. Daigle stated that there is a snowmobile trail on the north side of the Bennington lots. J. Marden stated that the town is working to keep open recreation and trails. J. Pike stated that he thinks the trail is more of an all season trail not just a snowmobile trail. J. Marden agreed that it is more an ATV trail than snowmobile trail. Mr. Bolduc stated that it follows the common area along Bennington Road and the PSNH easement. C. Daigle explained that the Board encourages owners to have a provision to maintain trails but they can be relocated on the property and should be shown on the plan. Open space is a benefit to wildlife.

J. Marden had concerns about the existing vegetation and not allowing the developer to cut all the existing vegetation just to replant them with smaller ones. Mr. Bolduc stated that they are making use of photographs to make an overview composite of the current vegetation. C. Daigle had concerns about

modifying the previous open space because of rights of owners from Phase 1. They may have to have those owners signoff if the open space is modified. She is concerned about the private rights of the people on Bennington Drive. She also stated that the property lines on Province Road need to be reviewed. P. Harris wanted to know what new restrictions only allow 28 lots instead of the 43 lots originally approved. Mr. Bolduc stated that open space has to be 50% of the lot and the density requirement for the rural zone only allows for 28 lots. C. Daigle stated that Mr. Bolduc could have made an error in his calculations because he can get more than 28 lots. Mr. Bolduc stated that they are allowing for larger lots to meet the real estate wants and needs. He also stated that there are extensive wetlands on the site and the well radius has been taken into consideration. C. Daigle stated that part of the common land is already dedicated from the previous approval. W. Peterson stated that the rights of previous owners to the open space need to be looked at. Mr. Bolduc stated that Upper Parish Settlement is shown as a ROW and the plan recorded. The road was not completed and not accepted for maintenance by the town. C. Daigle stated that in the revocation document the owners of Phase I lots have rights to the ROW to the road and open space. Only private individual rights were sold out by deed. Mr. Bolduc stated that they would like to eliminate the land on Heritage Drive and dedicate it as open space. C. Daigle stated that they may have to get people to sign off the private ROW if that part will be developed as a lot. P. Harris wanted to know if the traffic study has been updated because of the new developments being built off Brown Hill Road. C. Daigle stated that there haven't been any new traffic studies done.

B. Preliminary Conceptual Consultation – Fouad & Susan Youssef:

Ms. Gloria Andrews explained that they are looking at having a 2 story professional building on tax lot 102-015. There is access to Daniel Webster highway and are in the process of updating the DOT driveway permit. They are proposing a 60' x 18' two story building office building. This would require 11 parking spaces and they are proposing 13 spaces with 1 handicap space. The proposal would be within the setback. J. Marden wanted to know how many businesses they are proposing. Mr. Youssef stated that they would be low impact businesses but he is not sure how many there would be. J. Pike wanted to know how they would access the second floor. Mr. Bolduc stated that there would a stairway and an elevator. Ms. Andrews want to know about getting a variance for parking. C. Daigle stated that the lot is a preexisting nonconforming lot so they can reduce the rear and side setback to a 10' rear setback and a 7.5' side setback. P. Harris stated that it would be a benefit to the surrounding area.

C. Preliminary Conceptual Consultation – John & Heather Chapdelaine:

C. Daigle explained that John & Heather Chapdelaine withdrew their preliminary conceptual consultation.

BOARD'S ACTION-MINUTES:

MOTION: On a motion by W. Peterson, seconded by G. Flack, it was voted to approve the minutes of the April 11, 2005, meeting as submitted. (6-0-1) J. Marden abstained.

STAFF REPORT:

A. TAX LOT 123-133:

C. Daigle explained that she has received inquiries about 141 Main Street. One inquiry was to use the site as a coffee shop. The other inquiry was for a retail watch shop. It was the consensus of the Board that to convert the retail use to a coffee shop would need site plan approval. To keep the use a retail use, a card shop to a retail watch shop would just need a certificate of use.

B. ANTHONY SPERANDIO TAX LOT 201-067:

C. Daigle stated that Mr. Sperandio had received approval to allow a dwelling unit on top of the golf course club house and now would like to build a 36' X 24' enclosure on the side of the house to house the golf carts. It was the consensus of the Board that a site plan for the commercial use would be needed for that addition.

C. COMMUNITY SURVEY:

The Board discussed the different types of community surveys and it was their consensus that a scientifically based sampling of the community would produce the most accurate results. They would like a third party to conduct the survey to create an unbiased opinion. C. Daigle will contact UNH to see if they would meet with the Board to discuss how they conduct the survey.

D. CONSERVATION LAND:

J. Marden asked that the Heritage Commission be included in the review of applications. C. Daigle will set up to include them in that review process.

ADJOURNMENT:

MOTION: On a motion by J. Pike, seconded by C. Patten, it was voted unanimously to adjourn at 9:23 p.m.
(7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant