

PLANNING BOARD

Monday, September 26, 2005
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman P. Harris; J. Pike, G. Flack, W. Peterson, C. Patten, J. Marden and 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. He explained that the BBE Realty LLC and Sun Lake Village applications will be Tabled to the October 17th meeting.

Public Hearing: Proposed amendments to the Land Use Fee Schedule.

C. Daigle explained that the hand outs show both the current and proposed fee schedules. She explained that she calculated that the Town would have received \$10,860 in additional fees if the proposed schedule was in effect from January 1st to September 12th of this year. She explained that the change in the fee schedule is to cover the cost of reviewing applications and is in conjunction with the Board of Selectmen adopting building fees.

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

MOTION: J. Marden moved to adopt the Land Use Fee Schedule as proposed effective October 1, 2005.

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

Study Reports:

P. Harris explained that the Study Reports have been tabled to Oct 17th to allow for the completion of the studies.

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JOHN CHAPDELAINÉ: Request for Subdivision approval to subdivide one lot into two lots. Property is located at 250 Ladd Hill Road, Tax Lot 105-019 in the “R” Zone. PB # 3105

Mr. Dean Clark presented the application. Mr. John Chapdelaine was also present.

Mr. Clark explained that this is a two lot subdivision. The entire lot is 11.06 acres and will be subdivided

into one 6.03 acre and one 5.03 acre lot. The lot is located on the straight section of Ladd Hill Road and has an existing gravel driveway. The site is serviced by community sewer. The wetland mapping shows some small wetlands with larger ones in the rear of the property. The property is surrounded by walls on three sides.

BOARD'S ACTION – JOHN CHAPDELAIN:

MOTION: W. Peterson moved to grant the following waivers:

1. Additional soil mapping.
2. Topo 100' off site.

The motion was seconded by R. Caldwell and carried. (7-0)

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 November 30, 2005 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (7-0)

The chairman opened the public hearing.

J. Marden wanted to know where the existing wells are located. Mr. Chapdelaine explained that it is to the right of the house. W. Peterson wanted to know if the existing driveway is paved Mr. Clark explained that it is gravel and the new driveway will be on the straight section of the road. They will have to get the Public Works Director's approval for any new driveways. J. Pike stated that the driveways should be shown on the plan. C. Daigle explained that they can locate them on the plan or show that they will meet all sight distance requirements. Mr. Clark stated that the driveways will be located on the plan.

Mr. Ken Bonnette, an abutter, wanted to know what rural means and what is allowed in the rural zone. P. Harris stated that the lot size requires is 3 acres minimum with 180' of frontage. Mr. Bonnette wanted to know what is allowed. Are single family residences, duplexes and apartments allowed? C. Daigle explained that single and two family homes are allowed. There are many uses that are allowed in the rural zone and Mr. Bonnette can review the zoning ordinance to determine what is allowed. Mr. Bonnette wanted to know if home occupations are allowed. C. Daigle explained that they are allowed in all zones but must meet certain criteria to be classified a home occupation. Mr. Bonnette wanted to know if you can store tractor trailers and equipment on site. C. Daigle explained that that would be a contractor's yard which is allowed in the rural zone but would require a special exception. Mr. Bonnette wanted to know if the cemetery located on the property affects the lot requirements. C. Daigle explained that she has talked to Mr. Bill Ekberg, Cemetery Trustee, and he asked that the cemetery be shown on the plan. There is sufficient acreage to subdivide. Mr. Bonnette wanted to know if the 6.03 acre lot could be resubdivided. Staff stated it is a possibility but it would have to meet the 4:1 ratio or ask for a waiver from it. Mr. Bonnette wanted to know if there is a minimum depth requirement. C. Daigle explained that the lot cannot be more than 4 times its width. Any additional subdivision would require them to come back before the Board. Mr. Bonnette stated that he had concerns

with a driveway being located directly across from his driveway on Ladd Hill Road because that is where trucks enter and they load cattle. P. Harris explained that each application must meet sight distance and have the Public Works Director's approval. Mr. Bonnette wanted to know who determines if a home business is legal. P. Harris stated that a complaint has to be registered with code enforcement officer who makes that determination.

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

J. Pike stated that he would like to see the driveway on the plan.

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. Additional fees if necessary.
2. Submission of final plans (2 mylars & 5 paper copies):
 - a. Submit one paper plan showing the area in Current Land Use.
 - b. All pins/bounds be set.
 - c. Existing well.
 - d. Surveyor's statements – "This plat meets all....." and "The approval of this plat....."
 - e. Show proposed driveway with sight distances or include a statement that the driveway can be located anywhere along the frontage and meet the minimum required sight distances.
 - f. Show driveways off site in proximity to existing/proposed driveways.
 - g. All utilities shall be placed underground.
 - h. All pins to be set and so certified on final plan.
 - i. All proposed driveways accessing onto paved road to have paved aprons.
 - j. Put current soils map info on plan.
 - k. Setback from cemetery is not 50'.
3. Payment of decision recording fee.
4. Mortgage subordination form.
5. Compliance hearing shall be held by Board as necessary.

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

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

The motion was seconded by R. Caldwell and carried. (7-0)

J. Marden noted that there is an active farm across from this subdivision and future prospective buyer

should
be aware of that.

PLAN SUBMISSION MEETING – SCOTT FIRTH & TRACEY FIRTH SECULA: Request for Subdivision approval to subdivide one lot into four lots. Property is located on Bean Hill Road, Tax Lot 224-005 in the “RS” Zone. PB # 3005

Mr. Dean Clark presented the application. Mr. Firth was also present.

The proposal is for a four lot subdivision on Bean Hill Road. Soils map and wetlands mapping have been done previously when there was a proposal for a ten lot subdivision. Lot one will be 1.29 acres, lots two and three will be 1.32 acres and the remaining lot will be 10.52 acres. There is a house being constructed on the first lot. They have a driveway permit for that lot and plan on having the remaining driveways in the middle of the remaining lots. The Public Works Director has concerns with the proposed steep driveways and the runoff from them. The buildable area for the lots are 15,000 sf , 16,000 sf and 25,000sf. Eleven test pits have been done on the site.

J. Marden wanted to know where the driveway is located on the big lot. Mr. Clark used the map to show the driveway location. P. Harris stated there is a waiver for topo 100’ off the property. C. Daigle stated that can be addressed at the public hearing and does not affect the completeness of the application.

J. Marden wanted to know if the well is being closed. Mr. Clark stated that they will cover on it. He also stated that the neighboring lot has an uncovered well on it.

Mr. Firth stated that the Public Works Director has talked to them about moving the entrance so the slope is not as steep and the runoff does not flow onto Bean Hill Road. They plan on moving it.

BOARD'S ACTION – SCOTT FIRTH & TRACEY FIRTH SECULA:

MOTION: J. Pike moved to grant the following waiver:

1. Topo for 100’ off property.

The motion was seconded by C. Patten 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 November 30, 2005 subject to extension or waiver.

The motion was seconded by R. Caldwell and carried. (7-0)

PLAN SUBMISSION MEETING – SUNSET ROCK LLC: Request for Site Plan approval to install bituminous asphalt plant. Property is located at 396 Depot Street, Tax Lot 235-038 & 235-039 in the “I” Zone. PB # 2905.

Mr. George Hall presented the application. Mr. David Walker was also present.

Mr. Hall explained that this site previously had an asphalt plant on it. It is on two separate lots that was bisected by the railroad bed before their previous boundary line adjustment. The lots are under two separate ownerships but are contiguous to each other.

The Board received a letter from an abutter, the owner of the Fed X building, requesting that scotch pines continue along that side of the property. Mr. Hall stated that he has no problems with doing that.

BOARD'S ACTION – SUNSET ROCK 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 November 30, 2005 subject to extension or waiver.

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

The Board discussed the need for an independent review considering the location. Mr. Hall stated that he understands that this is a sensitive area and has no problems with this request. It was the consensus of the Board to require the applicant to have an independent review of the application as it relates to environmental issues.

PUBLIC HEARING – DURRELL MOUNTAIN ROAD L.L.C: Continuation of a request for a Boundary Line Adjustment approval. Properties are located on Durrell Mountain Road & Rogers Road, Tax Lots 214-012 & 214-009 in the “R” Zone. PB # 0905

Mr. Howard Warren presented the application.

Mr. Warren explained that this is a simple two lot Boundary Line Adjustment on Durrell Mt Road. He has addressed the items on the original staff report. The issue that they are hung up on is the buildability of the larger lot before approval is given. He stated that establishing the buildability issue is not necessary, maybe no one will ever apply for building permit. If someone should apply for a building permit they would have to go to the Board of Selectmen and the Planning Board and that is when that issue can be addressed. They tried to compromise by putting

a note on the plan but staff did not agree with the proposed note. Staff insisted on a note that states that access equals frontage and they don't agree with that and neither does the Supreme Court or the zoning ordinance definition. They have reached an impasse and would like the plan approved without the note but they want the plan approved so they will agree to put the note on the plan but want it on record that they do not agree with the note and plan to have it stricken. They have a purchase and sale for the smaller lot and that is why they will put it on the plan with the intention of having it stricken at a later date. C. Daigle clarified that it is not staff's opinion about the wording of the note but counsel's opinion and recommendation. J. Pike stated that if the note is on the plan it gives the buyer fair notice about the buildability of the lot. If they want to have it stricken from the plan then they will have to come back to the Board or go through some other form of relief.

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

BOARD'S ACTION – DURRELL MOUNTAIN ROAD L.L.C:

MOTION: J. Marden 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. The 20' of frontage on the Class V portion of Durrell Mountain Road being created for lot 214/9 by this approval does not meet the Ordinance definition of frontage because vehicular access to the lot will not be over said frontage.
2. On Final Plans (2 mylars & 5 paper copies & any # required by Gilford & Gilmanton):
 - a. Boundary line of 214/9 along Durrell Mountain Road is not shown.
 - b. Note #5 says Lot 214/9 was not surveyed, but taken from a previous plan of Bowmar Land, but there are differences between the 2.
 - c. Show/certify all property markers.
 - d. In title block indicate that Durrell Mountain Road is both Class V & Class VI.
 - e. Due to the existing extensive wetlands, and as offered by the applicant a note stating that access to lot 214/9 shall not be over the 20' of frontage being created by this approval.
3. Final plans will not be recorded until transferring deed(s) have been approved by the Town and are also signed and ready for recording.
4. Payment of decision recording fee.
5. Compliance hearing shall be held by Board as necessary.

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

6. No changes shall be made to the approved plans unless application is made in writing to the Town.
7. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.

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

PUBLIC HEARING – BBE REALTY, LLC: Continuation of a request for open space Subdivision approval to subdivide one lot into 38 lots. Property is located off Sargent Lake Road, Tax Lot 238-004 in the "R & RS" Zones. PB # 0705

C. Daigle explained that the applicant has asked to Table the application until Oct 17th for the conclusion of traffic and Economic Impact Studies.

BOARD'S ACTION – BBE REALTY, LLC:

MOTION: J. Pike moved to Table the application until Oct 17th for the conclusion of the traffic and Economic Impact Studies.

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

PUBLIC HEARING – SUN LAKE VILLAGE: Request for Subdivision approval to create a 24 lot cluster subdivision. Property is located at 631 State Route 3, Tax Lot 101-001 in the “C” Zone. PB # 1405

C. Daigle explained that the applicant has asked to Table the application until Oct 17th for the conclusion of the Economic Impact Study.

BOARD'S ACTION –SUN LAKE VILLAGE:

MOTION: J. Pike moved to Table the application until Oct 17th for the conclusion of the Economic Impact Study.

The motion was seconded by R. Caldwell and carried. (7-0)

PUBLIC HEARING – AMILY MANAGEMENT LLC: Request for Subdivision approval to create a 23 lot cluster subdivision. Property is located on Grimstone Drive and Wild Acres Road, Tax Lot 229-024 in the “R” Zone. PB # 2605

Mr. Dean Clark, Mr. Dennis Prescott and Mr. Roger Roy presented the application.

Mr. Clark explained that this is an open space cluster subdivision. Lot 10 has been deleted and combined with the open space to eliminate the common driveway. There are corridors that connect all the lots to the green space. The two lots that are not directly connected to the corridor may have part of their area added to the green space to create more open area around the drainage way. Mr. Prescott stated that he had a meeting with the Conservation Commission about taking over the green space and they are interested in it. He explained that it is up to the Board of Selectmen to accept open space and if they do not want it then it will revert back to the Association with a stewardship plan.

Mr. Prescott explained that existing gravel deposits are being tested to determine if the material can be used for the road base or has to be removed from site. The hours of operation will be 6 AM to 6 PM Monday – Friday and 8 AM – 5 PM on Saturdays. He wants to start with six to nine permits. The project will not be phased. He would like to get building permits before the road is complete in order to start selling the lots. There will be no Certificates of Occupancy issued until the road is complete. The houses will have sprinkler systems. He is asking for a letter of credit instead of bond. He also would like to change the name of the subdivision. He is asking for a waiver of underground utilities because the overhead utilities already exist. He will be adding a sidewalk area through out the subdivision. Mail delivery will be to the individual lots with their own mail boxes. He hasn't recontacted the bus

company to find out if they will do a bus stop within the subdivision. Currently they have a bus stop at the entrance on Brown Hill Road.

Mr. Clark stated that they are providing over 7 more acres of open space than required. The snowmobile trails may be relocated because they cross some lots. The soils mapping and habitat study has been done. They are just waiting for the conclusion of the independent studies.

Mr. Roy stated that the only easements they need are for drainage. The detention pond is part of lots 17 & 18 and lots 3 & 4. No other easements are needed. The street signs and location have been changed and updated. They will follow the recommendations of the fire department as to the location of the stop signs. They will have a 4' striped extension of the pavement for a walking path throughout the entire development that will be terminated at the cul de sac. There will be no on site sale facilities and no plans for in-law apartments. If an individual site owner wants an in-law apartment that can be addressed when they apply for a building permit. Mr. Roy explained that the fire department has reviewed the subdivision plan and has issued 911 numbers for the lots. He has reviewed the recommendations of the independent engineer and will follow his recommendations for drainage.

Mr. Prescott asked for a waiver for the Pre-development peak rate runoff from a 2-year/24-hour storm equal or less than post-development runoff. He also asked for a waiver for underground utilities w/in the main road ROW because the overhead utilities are already in the existing road and because of the cuts involved. P. Harris wanted to know if R. Ball had any concerns with the drainage waiver. R. Ball stated he had no concerns.

BOARD'S ACTION – AMILY MANAGEMENT LLC:

MOTION: W. Peterson moved to grant the following waivers:

1. Pre-development peak rate runoff from a 2-year/24-hour storm equal or less than post-development runoff.
2. Underground utilities w/in the main road ROW.

The motion was seconded by R. Caldwell and carried. (7-0)

W. Peterson suggested the applicant approach the Board of Selectmen about the open space. C. Daigle recommended that they also approach the Conservation Commission about accepting the open space for a recommendation to the Board of Selectmen. The open space doesn't have to be accepted by the Town before approval. They have by-laws in place if the open space has to be maintained by the Association. J. Marden stated that he was at the Conservation Meeting when Amily discussed giving the open space to the Town and the Conservation Commission liked the concept. C. Daigle stated that she received an email from Mr. Jim Locke, an abutter, who had concerns about the access to Bean Dam. She explained to Mr. Locke that the town may take ownership of the open space and he is satisfied with that arrangement.

J. Pike wanted to clarify the building permit process that Mr. Prescott is asking for. Mr. Prescott explained that he is asking to start construction on three or four houses before the road is completed. No Certificates of Occupancy would be given before the road is completed. This would allow him to market the lots while continuing work on the road. He will be maintaining the road until approved by the Town. He will be asking for the Certificates

of Occupancy between the finish base coat and the top coat. C. Daigle stated that they like to let the finish coat set through a winter before the top coat. Once the top coat is on and vegetation is in then they can go to the Board of Selectmen for acceptance. Once the plan is recorded there will be security in place if the developer should walk away. The road will remain private and maintained by Mr. Prescott until the road is accepted by the town thus allowing building permits to be issued.

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

MOTION: W. Peterson moved to Table the application until October 17th for the conclusion of traffic and Economic Impact studies.
The motion was seconded by R. Caldwell and carried. (7-0)

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted to approve the minutes of the August 22, 2005, meeting as submitted. (7-0)

MOTION: On a motion by R Caldwell, seconded by G. Flack, it was voted to approve the minutes of the September 12, 2005, meeting as submitted. (3-0-4) J. Marden, J. Pike, W. Peterson and C. Patten abstained.

STAFF REPORT:

A. BUDGET:

MOTION: G. Flack moved to approve the budget as submitted.

The motion was seconded by W. Peterson and carried. (6-1) J. Marden opposed.

B. CAPITAL IMPROVEMENT PROGRAM (CIP):

C. Daigle stated that the final draft of the CIP has been forward to the Planning Board for Public Hearing and adoption. The Board agreed to hold the Public Hearing for adopting the CIP on October 17th at 6:30.

C. SCHOOL BOARD MEETING:

The Planning Board agreed to accept the School Board's invitation for a joint meeting between the School Board, Board of Selectmen and Planning Board. The meeting is scheduled for November 10th at the High School.

D. MICHAEL & KAREN MCCARTY TAX LOT: 222-053, 222-054 & 222-055

The chairman signed the McCarty boundary line adjustment for 680 Union Road.

E. LEGAL BUDGET:

C. Daigle explained that the Town Administrator, Jeanne Beaudin, would like to combine the legal budgets for all departments as one budget line. The Board of Selectmen would incorporate the legal budget under their legal budget. This would not require the Board to have any less money at their disposal but the money would be combined for easier budgeting tracking. The Planning Board would still have access to legal funds. The Board of Selectmen would allow all departments additional funds if needed for any legal issues that arise. G. Flack suggested that staff call around to see what other towns are doing. The Board discussed reducing the legal line appropriations to \$6,000 the same as last year and have the Town Administrator add \$3,000 to the Board of Selectmen's legal budget to cover any additional legal cost that may arise

MOTION: J. Pike moved to amend the legal budget to \$6,000.

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

F. NH DOT INFORMATIONAL MEETING:

C. Daigle stated that DOT will hold a public meeting Oct 6th at 7:00 PM at the Corner Meeting House.

G. RECLASSIFICATION OF THE TILTON/NORTHFIELD WELL HEAD PROTECTION AREA:

C. Daigle explained that she received a call from Eliza Conde, Tilton/Northfield Conservation Commission Secretary, and they are in the process of having DES reclassify their well head protection area. They are asking that Belmont consider reclassifying the Tilton/Northfield well head protection area that is within Belmont. G. Flack wanted to know how far the Tilton/Northfield's well head protection area extends into Belmont. R. Ball stated that it passes Industrial Drive. The Board determined that more research is needed to find out what reclassification entails before proceeding.

ADJOURNMENT:

MOTION: On a motion by W. Peterson, seconded by R. Caldwell, it was voted unanimously to adjourn at 9:00p.m. (7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant