

PLANNING BOARD

Monday, December 19, 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 Absent: C. Gilbert and C. Shibles.
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7 p.m.

PLAN SUBMISSION MEETING – REALTY RESOURCES CHARTERED: Request for site plan approval

to construct a 32 unit multi-family development. Property is located on Province Road, Tax Lot 204-023 in the “RM” Zone. PB #2305

Mr. Peter Holden and Mr. Terry Turner presented the application.

Mr. Holden explained that the proposal is for thirty two attached housing units in four separate buildings located in the former gravel pit. There will be municipal sewer and the water system will be the same as the one Briarcrest has. They are requesting a waiver for soils map and report because it is on municipal sewer and the soil is so disturbed that it is not needed.

J. Pike wanted to know where the development is located in relation to the former spring road. Mr. Holden stated that it is down the hill from the spring road. The development will not affect the spring at all.

P. Harris wanted to know what the average market value would be. Mr. Turner stated they will be rental units. Half will have two bedrooms and half will have three bedrooms and the end units will be handicap accessible.

J. Pike wanted to know where the bus stop and mail pick up will be. Mr. Holden stated that the bus stop will be somewhere on Rte 107. The bus will not have a stop inside the development. The mail box location has not been determined but there will be one central location for all the boxes.

P. Harris wanted to know if the applicant was aware of the independent review and studies that are required. Mr. Holden stated they plan to do all of them.

J. Marden wanted to know if there will be any recreational area. Mr. Holden stated that each unit will have a backyard. J. Marden stated that there should be somewhere where everyone can recreate because there

isn't too much you can do in a back yard. P. Harris stated that the units are like their own village and they are requiring other developments to provide recreational areas because if you don't then children tend to play in the road. J. Pike wanted to know if there is going to be an area to walk out to Rte 107 to the bus stop. Will there be either a sidewalk or striped area to walk. Mr. Holden stated that they will have sidewalks along the buildings.

J. Marden wanted to know if the secondary access to Briarcrest has been eliminated. Mr. Holden stated that he met with the fire department and they will have a dry hydrant and hook onto the Laconia water if there is a fire. Each unit will have sprinklers.

W. Peterson wanted to make the applicant aware that they have to have an economic impact study done and participate in the traffic study that has been done. Mr. Turner wanted to know if there is a blueprint for the impact study. C. Daigle explained that the Board has contracted with Mr. Russ Thibeault and Mr. Turner can look at the ones that are done. He would escrow the money for studies.

BOARD'S ACTION – REALTY RESOURCES CHARTERED:

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

1. Soils Map & Report.

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

The Board discussed the fact that additional soils reports may be needed.

J. Marden wanted to know besides the four handicap units are the rest of the units handicap accessible. Mr. Holden stated that they are. You can enter them without going up any steps.

J. Pike wanted to know if roads around the buildings are required. C. Daigle stated that it depends if the buildings are sprinkled. It is usually required for industrial and commercial buildings but not for residential units.

MOTION: W. Peterson moved that the application be accepted as complete for the purpose 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 2/22/06 subject to extension or waiver. The following studies are required before a public hearing is scheduled.

1. Independent review of road construction and stormwater management.
2. Economic impact study.
3. Participation in Pernaw Traffic Study -\$ 2,300.

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

DESIGN REVIEW PLAN DISCUSSION – 223 D.W. HIGHWAY LLC: Discussion on reconstructing a retail and restaurant building on an existing foundation with parking changes. Property is located at 223 D. W. Highway, Tax Lot 101-028 in the “C” Zone. PB # 4305.

Mr. Jim Spaulding, Mr. Mark Young and Mr. Peter Cweck presented the application.

Mr. Spaulding stated that they plan to rebuild on the existing foundation of the building that burnt in January. The existing footprint encroached into the setback and the parking spaces didn't meet today's requirements. The parking was inefficient. The proposal is in the commercial zone and the use included retail and restaurant uses. They plan to keep the same uses in a 24,000 square foot building. They want to reconfigure the parking lot but will not increase the impervious surface area. The parking area in front of the building will have a buffer between the parking lot and Route 3. The rear parking lot elevation will be the same as the building. They will use the existing drainage. They are proposing a hundred and one parking spaces with five handicap spaces. He explained that the prior building didn't meet with zoning and this won't either.

Mr. Spaulding met with the Fire Department and they want an access way between the dance studio and the building. The building will be sprinkled and they plan on hooking into the town water when it is available but if that doesn't happen then they will have a cistern out front. The Fire Department is willing to waive the cistern if they connect to the municipal water line. They are also requiring fire walls in the building. Mr. Spaulding stated that he also met with Mr. Frank Clairmont, sewer department, and walked the site and was told that the sewer runs across Rte 3 to the dance studio.

J. Marden noted that the accessibility of the handicap spaces is at one end. Mr. Spaulding stated that they will have a ramp that continues across the front of the building. Mr. Spaulding stated that they will have railings in front of the building along the walkway because there is a 3' to 4' drop off.

W. Peterson stated that they have to stay within the 80% of impervious coverage. If it exceeds that then they need to go to the Zoning Board for approval. By keeping the gravel access between the two buildings they will not lose the impervious ratio. G. Flack stated that can be done if they have to but it is not good for the stores. J. Pike stated if they have to give up a paved area and have gravel then it is acceptable for fire safety access.

C. Daigle stated will they have to meet storm water management regulations. Mr. Spaulding wanted to know what the Board is looking at for storm water management. C. Daigle stated the same as what the State requires. R. Ball stated that they are looking at some kind of treatment for the sediment before it goes into the State system. The State is proposing a large detention area along Rte 3. Mr. Spaulding stated that they would have to treat the runoff from the parking lot. G. Flack stated that the front lot is taken care of already. Mr. Spaulding stated that there are three catch basins. C. Daigle stated that it is an existing condition and if they can improve what leaves the site it would be a benefit. Mr. Spaulding stated that the parking lot will be sloped. They will be blasting the ledge to create an area for snow storage. R. Ball stated that they can put in a swale out back.

J. Marden wanted to know how the existing parking is above the building. Mr. Spaulding stated

elevation is between 8' and 10'.

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

DESIGN REVIEW PLAN DISCUSSION – TERRA FIRMA REAL ESTATE: Discussion for a 36 lot cluster subdivision. Property is located on Upper Parish Settlement Drive, Tax Lots 226-11, 226-12-001, 226-012-002, 229-053 & 229-053-001 in the “R” Zone. PB # 1605.

Mr. Jim Bolduc presented the application.

Mr. Bolduc explained that he is here tonight as a result of the traffic study done by the consultant. The applicant would like to terminate the through road from Upper Parish Settlement Drive to Rte 107 and put in a cul de sac instead. He explained that in 1988 the original length of Upper Parish Settlement Drive was 6,800'. The portion of the road that is complete is 1,900'. They would like to put in a cul de sac and shorten the road by 1,400. They will not build anything in the cul des sac and out to Rte 107. It is close to a mile from Brown Hill Road to the cul de sac.

Mr. Bolduc outlined some of the advantages of the cul de sac. Brown Hill Road would remain the primary connector between Rte 106 and Rte 107 in this area. There would be no traffic cutting through Upper Parish Settlement trying to get to Rte 107. The impact to the wetlands would be reduced and the beaver dam in that area will not be harmed. There will be less disruption to the landowners at Rte 107. There were concerns brought up at a previous meeting from those landowners about the possibility of their wells being contaminated and this would eliminate those concerns.

G. Flack wanted to know if this is going to be permanent or is the road going to be extended in the future. C. Daigle stated that would be up to the future landowners and future boards unless the area is dedicated as green open space. C. Daigle wanted to know if they are including the ROW as part of the open space. Mr. Bolduc stated that they are proposing to have lot 11 as a separate lot and eliminate that lot line and have access at the end of the cul de sac. He stated that as part of previous approval for Phase 1 the owners of those lots may have rights to the ROW and he is not sure of the legal ramifications if it becomes open space for the new development. C. Daigle stated they would have the same right to the open space and ROW. Mr. Bolduc stated that it doesn't exist today and they are creating open space so they don't have the rights. C. Daigle wanted to know if they are going to give previous owners rights to the new open space or just to the new owners. Mr. Bolduc stated that he will do whatever the town wants. C. Daigle stated that having two levels of open space at two different locations would be hard to regulate. You would to determine which phase someone belongs to and if they are allowed in that area. Mr. Bolduc stated that if the Board is asking the applicant to eliminate the road then are they willing to commit it to open space. J. Marden wanted to know what the total acres of open space is. Mr. Bolduc stated that it is 90.12 acres. P. Harris wanted to know if there is any landlocked lots. R. Ball stated no land would be landlocked.

C. Daigle wanted to know what the long term plan for open space is. Are they planning on a stewardship, an association or giving it to the town? Mr. Bolduc stated that they are going to DES which dedicates it as a conservation easement. C. Daigle wanted to know who owns and manages the open space. Mr.

Bolduc stated that they plan on transferring the easement to the Conservation Commission to become the stewards they are not transferring the ownership. C. Daigle stated that designating it as open space puts a conservation easement on it. R. Ball stated that the issue is that it is just an easement but does not give any rights for the public to use it. What is the benefit to the Conservation Commission if they are not able to manage it? W. Peterson stated that an easement allows the public rights to access the property. Public access cannot be denied. If a private person has control of an easement it can be shut down by the owner. C. Daigle stated that if an association or developer or stewardship retains ownership they have to go to the expense of annual inspections and report. Someone has to be responsible either the landowner or a private organization. Mr. Bolduc stated that DES will tell the applicant what they want to happen.

Mr. Bolduc stated that he has talked with the Fire Chief and he has no problems with terminating the road out to Rte 107 and putting in a cul de sac. J. Pike stated that he has no problem with the cul de sac but would like to eliminate the ROW and designate it as open space. W. Peterson stated they could eliminate the ROW by moving the lot line so there will be no ROW for someone to make it a road in the future. Mr. Bolduc stated that the green area will be one lot. P. Harris stated that there are advantages to having the cul de sac and supports the change. C. Daigle stated that the down side is it will channel all the traffic onto Brown Hill Road. The Board may find that the applicant may have to contribute some portion of the improvements that will needed on Brown Hill Road due to the additional traffic generated from the subdivision. Mr. Bolduc said he understood that may be the case.

The Board wanted to know about the snowmobile trails and how the people in the development will access the trails. C. Daigle stated that she has contacted the snowmobile club and they have no interest in that trail. The Board discussed the trail and the number of local people that continue to use that trail system. Mr. Richard Gilbert stated that he and others locals use the trails. They access the trails from their back yards or off the ROW.

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by J. Pike, seconded by C. Patten, it was voted to approve the minutes of the December 5, 2005, meeting as submitted. (7-0)

STAFF REPORT:

A. ZONING AMENDMENTS:

C. Daigle explained that the Board may want to consider having "accessory" units instead of in-law apartment because it becomes cumbersome to have a covenant recorded and enforcement is hard because the use is restricted to families occupying the apartment. Having an "accessory" unit could be restricted in size to not exceeding 25% of the primary unit instead of restricting who lives there.

There is a housing crunch and by restricting the use to relatives only they are finding a rising number of illegal apartments. People are living in attics, basements or a part of a house and not coming in for

approval because of the legal documents required or because they are not allowed in that area. By having “accessory” units it would allow the Code Enforcement Officer a chance to inspect the apartment for safety.

J. Marden stated that 300 square feet is not big. C. Daigle stated that it is intended to be small but that is the minimum size. It can be as large as 25% of the house. P. Harris stated that easing the restrictions will have more people coming in to get permits, making the units legal and safe. J. Pike stated that he has concerns about parking spaces on a nonconforming lot. C. Daigle stated that they may need a paragraph to clarify that the same acreage is not needed as for multi-family units. “Accessory” units would not be allowed in the commercial and industrial zones only in all residential zones. The Board discussed restricting the number of bedrooms. They discussed the fact that it could be for a single parent family with a child and they would need two bedrooms. It could also be for a couple who may need two bedrooms. C. Daigle stated that the bedroom restrictions could be regulated by the building code. W. Peterson stated that it would help add to the housing stock. C. Daigle stated that it also would give a more accurate number of residents living in Belmont because people would be more willing to give an accurate count of the number of people living at a house if they are not trying to hide an illegal apartment. It would also make apartments safer because they would be inspected as part of the process.

The second proposed zoning amendment is to clarify that frontage = access. The proposed definition would include “said frontage is intended to provide vehicular access to the portion of the lot developed, or to be developed with the primary use.” The Board agreed that the definition of frontage needs to be amended to make this clear.

C. Daigle informed the Board that no petitions for the ballot have been received. She has submitted a draft impact fee ordinance for Town counsel for review.

C. Daigle explained that they have received a quote from Mr. Bruce Mayberry for the impact funding schedule. The Board of Selectmen agreed to fund some of the scheduling but not all. They made no decision at tonight’s meeting. The Board discussed doing one or two studies to determine what the other associated costs would be. If they do one or two studies then the people would be able to see what the costs would be. W. Peterson stated that after listening to Mr. Mayberry he is not in support of impact fees. G. Flack stated that he has received input from people and they are afraid if we have impact fees then the town will start building all kinds of buildings and they will have to cover the additional cost that is not raised through those fees. They are also afraid that because of the fees the developers will push to get all the buildings in and if not completed the money will have to be returned.

If they do the fee schedules they should work on the school fees. J. Marden stated they could use the money to pay down the existing bond. W. Peterson stated that can only be done if the school is over capacity. J. Marden stated that having an ordinance on the books is better than not having any. They need to have a fee schedule in place. C. Daigle stated that the funds can be used only for projects approved by the Planning Board.

J. Pike stated that they need to educate the public on growth management and impact fees before they put it on the ballot. They need to hold some public meetings to inform the public of the pros/cons of growth management and impact fees. J. Marden stated that if they had impact fees in 2003 they would now have the money to build something. W. Peterson stated that the growth in schools has leveled off and they seem to be flat now. J. Pike stated that they need to have an open forum on impact fees to get the public's input. J. Marden stated that if the development is not built in four years they can impose impact fees on the undeveloped lots.

The Board discussed having a special Town meeting when the housing study is done.

MOTION: J. Pike moved not to move forward with impact fees until the housing study is complete and a special Town meeting is held.

The motion was seconded by G. Flack.

J. Marden stated that it is not an advisable thing to do to have Mayberry do the study and not have impact fees. J. Pike stated that they can go to the public when the housing study is done then they will have something to stand on. Now they don't have any concrete evidence. R Caldwell stated that the study will show us the facts and background. P. Harris stated that the people want to know what the studies are that support impact fees. J. Pike stated the Board wants to make it clear to the public what supports having impact fees.

J. Pike would like to have something in paper in the next week stating why they can't get the growth ordinance or impact fees on the ballot this year. This will let the public know they are working on it and have not just abandoned the idea. J. Marden had concerns that a special meeting would not get a large turn out because they will not be voting for people but for one ballot question. He feels that they should go forward at the regular town meeting.

The Board took a vote on the motion on the floor. It carried (6-1) J. Marden opposed.

MOTION: W. Peterson moved to continue with the school impact fee schedule and not to contract with Mr. Mayberry for any other fee schedules at this time. The Board also ask the Board of Selectmen to encumber the funds (\$9,500) to complete some of the impact fee schedules and to also spend additional Planning Board 2006 capital funds towards the development of additional fee schedules.

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

MOTION: G. Flack moved to put the definition of frontage = access on the ballot.

The motion was seconded by J. Pike and carried. (6-0-1) J. Marden abstained.

MOTION: J. Pike moved to put "accessory" units on the ballot and eliminate the need for a special

exception in any residential zone.

The motion was seconded by W. Peterson and carried. (7-0)

ADJOURNMENT:

MOTION: On a motion by J. Pike, seconded by C. Patten, it was voted unanimously to adjourn at 9:48p.m.
(7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant