

**Bethlehem Planning Board
Town of Bethlehem, NH**

NOTICE OF DECISION

Application for Subdivision Approval:

Residential Site Plan, Condominium Development, The Adair Cottages

Map 403 Lots 24, 25, 26.1, 27, Map 201 Lots 1, 1.1
80 Guider Lane, Bethlehem, NH

Owner: JCB Inns, LLC, 31 West Elm Street, Littleton, NH, 03561

Applicant: Adair Development, LLC. 31 West Elm Street, Littleton, NH, 03561

EXHIBITS

Application Material

The application consists of the following materials, which are hereby incorporated by reference:

Subdivision Plan of the Adair Property, Bethlehem, New Hampshire Surveyed by Kellogg Surveying & Mapping, Inc. Littleton, NH – January, 2022 Revised 7-11-2022

The following sheets contained in the plan set developed by Keach-Nordstrom Associates, Inc. entitled “Residential Site Plan, for the Condominium Development The Adair Cottages” comprise the most recent revision date as of the date of this decision:

- Sheet 1 - Plan for JCB Inns LLC of the Adair Property, Bethlehem, New Hampshire Surveyed by Kellogg Surveying & Mapping, Inc. Littleton, NH – January, 2021
- Sheet 2 – Master Plan – June 29, 2022
- Sheet 3 – Master Plan – Development Area – June 29, 2022
- Sheet 4 – Merger Plan for JCB Inns LLC of the Adair Property, Bethlehem, New Hampshire Surveyed by Kellogg Surveying & Mapping, Inc. Littleton, NH – January, 2021
- Sheet 5 – Subdivision Plan of the Adair Property, Bethlehem, New Hampshire Surveyed by Kellogg Surveying & Mapping, inc. Littleton, NH – January, 2022
- Sheets 6 – 9 - Site Layout Plan – June 29, 2022
- Sheets 10 -- 13 Grading & Drainage Plan – June 29, 2022
- Sheet 14 – Utility Plan – June 29, 2022
- Sheets 15 – 17 - Utility Plan – June 22, 2022
as revised by Sheets 15 & 17, July 28, 2022
- Sheets 18 – 21 – Erosion Control Plan – June 29, 2022
- PP 1-A through A-L – Planting Plan – Urban Associates, Inc. – March 16, 2022
- PD – 1 – Planting Details – Urban Associates, Inc.– March 16, 2022
- PS – 1 - Planting Specifications – Urban Associates, Inc.- March 16, 2022
- FFB – 1 – Foundation Planting Building Type 1 – Urban Associates, Inc. - March 21, 2022

FFB – 2 - Foundation Planting Building Type 2 – Urban Associates, Inc. - March 21, 2022
Sheet 38 – Open Space & Recreation Plan – June 29, 2022
Sheets 39 – 42 – Lighting Plan – June 29, 2022
Sheets 43 – 49 - Roadway Profiles – June 29, 2022
Sheet 50 – Drainage Profiles – June 29, 2022
Sheet 51 - 52 - Construction Details – July 28, 2022
Sheet 53 – 56 Construction Details – June 29, 2022

Stand-alone Sheet 1 - Access Easements - June 28, 2022

Stand-alone Sheet 1 - Pavement Marking/Signage Plan - June 28, 2022

Sheet FT1 - Fire Truck & Protection Overview - July 28, 2022

Sheets FT2 - FT5 - Fire Truck Turning & Protection - July 28, 2022

Alteration of Terrain Application – September 25, 2021

Other Correspondence

9/9/2022 - Memorandum from Brett Jackson, Road Agent, to Planning Board, approving waivers from grades and gravel shoulder.

9/9/2022 - Email from Jack Anderson, Fire Chief, to Planning Board, approving fire protection plan and waivers from dead-end road limit and turning radii.

9/10/2022 – Letter from HEB Engineers to Chairman Bruno, summarizing review of road grades and site visit to Guider Lane – US Route 302 intersection.

5/3/2022 - Letter from David Reynolds, NHDES Wetlands Specialist to Adair Development LLC, copied to Bethlehem Conservation Commission, requesting additional information for Wetlands Permit Application and mentioning potential impacts to jurisdictional areas caused by recent forestry activities observed during April 26, 2022 site visit.

FINDINGS OF FACT

1. The Subdivision Application was accepted as complete on July 13, 2022 and a duly-noticed public hearing was held on August 10, 2022.
2. The property is within Zoning District II. Single Family Dwellings are a Permitted Use in this District.
3. The applicant seeks approval to build 41 single-family homes to be in the condominium form of ownership. The 41 units will have an undivided interest in the remaining open space
4. The applicant seeks approval under both the Bethlehem Subdivision Regulations and Zoning Ordinance Article XII Cluster Developments.

5. The development will be served by private roads to be constructed off of Adair Lane.
6. Adair Lane is accessed by Guider Lane, a dead-end Class V Highway comprised of a former segment of US Route 302.
7. The homes will be 2 to 3 bedrooms, served by septic systems designed for 3 bedrooms; each home will have a septic tank and there will be a combination of individual and shared leach fields.
8. Private wells will serve 2 to 4 homes each.
9. The development will be constructed in phases as shown on Sheet 3.
10. The units will not be age restricted.
11. Fire protection will be provided by water mains added on to the existing Bethlehem Village Water District main currenting serving the Adair Inn. No home will be more than 300 feet from a hydrant.
12. Recreation opportunities will be provided by constructing connections to the existing trail system with cross-easements between the Adair Cottages and Adair Inn.
13. The "1811 House" on proposed lot 403-25 currently provides employee housing for the Adair Inn. This lot will have an access easement over the private roads to Guider Lane.
14. The adjoining property to the west has been purchased by the applicant and a model home for the Adair Cottages has been constructed on it.
15. The tree harvest recently conducted on the property was in part to clear the view for the Adair Cottage development. Impacts on the wetlands potentially inconsistent with the required BMPs were observed by NHDES staff following a site visit.

ACTION OF THE BOARD

On August 24, 2022, at a properly noticed meeting of the Bethlehem Planning Board, it was voted to approve the Subdivision Application as summarized above, subject to the following waivers and conditions:

Waivers

The following waivers were granted:

1. Section 8.04.3 of the Subdivision Regulations limits the grade within 100 feet of an intersection to 1%. These intersections were reviewed for the Planning Board by HEB Engineers and were confirmed to be within American Association of State Highway Transportation Officials (AASHTO) guidelines. The Road Agent has considered the proposed grades and approved of the proposed design. The following roads may be constructed with the grades shown within one hundred feet of the intersection: Olmsted Drive - 2.0%, Washington Circle +2.0%, and Crawford Drive -1.5.

2. Section 8.04.6 of the Subdivision Regulations requires intersection curb radii to be not less than 30 feet. The roads are designed with 25-foot radii. The Fire Chief has considered the turning radii required for fire trucks and approved of the proposed design. The waiver is granted to reduce the curb radii from 30 feet to 25 feet.

3. Section 8.04.8 of the Subdivision Regulations limits the length of dead-end roads to 600 feet in length. The Fire Chief has reviewed the proposed plans regarding fire protection and fire truck access and has approved the plans as proposed. The waiver is granted to construct the roads as shown on the plans.

4. Section 8.04.12 of the Subdivision Regulations requires roads to be constructed with 2-foot gravel shoulders. The Road Agent has reviewed the proposed plans with bituminous cape cod berm and closed drainage and has approved the plans as proposed. The waiver is granted.

Conditions Precedent

The following items will be required before final approval is granted and the plan is signed and recorded:

- P1. Demonstrate the safety of the Guider Lane – US Route 302 intersection by providing turning maneuvers for all movements for the AASHTO Single-Unit truck showing that all movements can be made without vehicles encroaching into opposing traffic lanes on US Route 302. (See S3 if turning movement diagrams show encroachment into opposing lanes.)
- P2. On the stand-alone sheet showing the existing and proposed boundary lines - Subdivision Plan of the Adair Property, Bethlehem, New Hampshire Surveyed by Kellogg Surveying & Mapping, Inc. Littleton, NH – January, 2022 Revised 7-11-2022 – 1. remove the topo lines, wetlands and soil types, 2. showing boundary monuments to be set as required by Section 8.02 of the Subdivision Regulations, including those for the proposed Lot 403-25 and for angle points currently shown as calculated points, 3. label all existing lots with tax map and lot numbers and 4. indicate location of Lot 201-1-1 (or provide documentation of an approved lot merger or other action extinguishing this lot). Provide prints and a mylar to be signed and recorded.
- P3. On plan set Sheets 1, 4 and 5 clarify the difference between existing boundary lines and proposed boundary lines in the title and/or legend.
- P4. Correct Note 1 on plan set Sheet 3 to read “41” units rather than “43.”
- P5. Revise the intersection approach from Washington Circle as discussed in the August 10, 2022 memo from HEB Engineers to Chairman Michael Bruno. Provide revised sheets as needed.

- P6. Replace parking lot shown on proposed Lot 403-25 with driveway apron on plans and provide revised Sheets 2, 3, 6, 10, 14, 18, 38, and 39. On Sheet PP1-A prepared by Urban Associates, a note to indicate the parking area is no longer planned will be acceptable.
- P7. Provide copies of NHDES Subdivision Approval, NHDES Wetland Permit, and NHDES Alteration of Terrain Permit with copy of final approved Stormwater Operation and Maintenance Plan to the Town Office for Planning Board files.
- P8. Provide proposed deed covenants, condominium declaration, and by-laws for Town Counsel review. Town Counsel approval is required regarding compliance with the terms and conditions of Bethlehem land use ordinances and regulations, including provisions for ownership and governance, and clearly defined roles and responsibilities for future condominium improvements and common areas, including:
- a. Stormwater system inspection and maintenance and emergency repairs in compliance with NHDES Alteration of Terrain Permit and associated NHDES-approved Stormwater Management System Operation & Maintenance Manual.
 - b. Management of open space areas and trails, including permanent protection from further development and stewardship of wetlands and remaining wetland buffers.
 - c. Construction and maintenance of roads, including roles and responsibilities and mechanisms for routine road maintenance and emergency repairs.
 - d. Construction, maintenance and emergency repairs for shared wells, septic systems and related infrastructure.
 - e. Clear identification of transfer of responsibility from applicant to homeowners' association.
- P9. Obtain Town Driveway Permit for change of use of Adair Lane.
- P10. Obtain approval for extension of water main from Bethlehem Village Water Precinct for service to fire hydrants shown on plans.
- P11. Reimburse Town for expenses incurred for professional services (planning consultant, town counsel and engineer) provided on behalf of the Planning Board during application review and approval process.
- P12. Provide complete set of final approved plans in paper and PDF with updated revision dates.
- P13. Final mylar copies of stand-alone lot line adjustment sheet and plan set sheets 2, 3, 6, 7, 8, and 9 with signature block for Planning Board along with recording fees. Must meet recording requirements for Grafton County Register of Deeds including 4 x 2 block in upper left corner for registry use and signed and sealed by licensed land surveyor with seal and original signature.
- P14. Clarify applicant's use of adjoining lot to the west and apply for site plan approval if it is a new or changed nonresidential use.
- P15. Provide estimated average annual trips per day for the Adair Inn as basis for required construction specifications of Adair Lane from Guider Lane to Olmstead and from Olmstead to Crawford.

Conditions Subsequent

The following items will be required before any construction may begin and before any building permits will be issued for Phase 1:

- S1. Certification by Licensed Land Surveyor that all boundary monuments identified as “to be set” on the revised approved subdivision have been installed in compliance with section 8.02 of the Bethlehem Subdivision Regulations.
- S2. Documentation of compliance with NH RSA 356-B Condominium Act for required documents and recording.
- S3. Engineer's estimate and security, in accord with Subdivision Regulations Section 4.09 and Section 9, for required improvements to Guider Lane–US Route 302 intersection as shown on Pavement Marking/Signage Plan, and, if unable to demonstrate safety as required in Condition P1, any additional improvements needed to enable AASHTO Single-Unit truck to make all movements without vehicles encroaching into opposing traffic lanes on US Route 302. Applicant shall furnish engineered plans and application materials for signature by appropriate municipal official(s) prior to submission to NHDOT District 1 for permit to alter geometry of Guider Lane (a Class V public highway) at its intersection with NH Route 302 as required.
- S4. Locate existing water line to Inn and provide plan to Bethlehem Village Water Precinct.
- S5. Provide certification by licensed wetland scientist that any wetland restoration requested by NHDES following observation of the tree harvest impacts has been completed.

Prior to the issuance of any occupancy permits for Phase 1:

- S6. The required improvements to the Guider Lane-US Route 302 intersection shall be complete.

The following conditions shall apply to ALL phases:

- S7. Prior to the start of construction of each phase or issuance of any building permits for that phase the following must be provided:
 - a. Engineer's estimate for road improvements, shared septic systems, wells and drainage.
 - b. Performance guarantee in the amount approved by the Planning Board for road improvements, shared septic systems, wells and drainage in a form acceptable to the Town Counsel.
 - c. Cash deposit provided to the Town, in the amount estimated by the Town’s consulting engineer and approved by the Planning Board, to be put into escrow for inspection fees.
 - d. Security and inspection fees shall include the portion of Adair Lane required to access the phase from Guider Lane.
 - e. NHDES Approval for Septic System Construction shall be provided to Town.

- S8. All conditions of NHDES Wetlands Permit and Alteration of Terrain Permit are considered to be a part of this approval and enforceable by the Town.
- S9. Building permits may only be issued for dwelling units served by the infrastructure for which security has been provided.
- S10. Neither the residence nor the existing gravel parking area on proposed lot #403-25 may be utilized for any purpose other than a single family residence without site plan approval from the Bethlehem Planning Board.
- S11. Any changes to language for deed covenants, condominium documents and bylaws previously approved by Town Counsel to be approved by Town Counsel, including that identifying roles and responsibilities and mechanisms for routine road maintenance and emergency repairs, and stormwater system inspection and maintenance and emergency repairs, stewardship of protected open space, and construction and maintenance of shared wells and septic systems, and identification of transfer of responsibility from applicant to homeowners' association may not be changed without the approval of Town Counsel.
- S12. All roadways and materials shall be constructed in accordance with the NHDOT Standard Specifications for Road and Bridge Construction, latest edition, including Supplemental Specifications, if any. Any stream crossings of 10 feet or more span shall be designed to HS-20 loading.
- S13. With the exception of the Waivers listed above, roadways shall be built and signage provided in accord with the Bethlehem Subdivision Regulations, including but not limited to the requirements of the Construction Specifications contained in Section 8.04.12 based on 8 trips per day per dwelling unit. Adair Lane must be upgraded as required to account for Adair Inn traffic in addition to Adair Cottage traffic.
- S14. Provide as-built plans certified by a licensed engineer for road and stormwater improvements at completion of each phase.
- S15. Provide as-built plans certified by a licensed engineer for fire protection water mains and appurtenances.
- S16. Verification that the road and stormwater infrastructure for the development phase for which security has been provided will be required from the Town's licensed engineer before any occupancy permits will be granted for dwellings in that portion of the development.
- S17. The Stormwater Operation & Maintenance Plan approved by NHDES must be adhered to and documentation of performance provided to the Town Office annually. Any changes to the plan must be recommended by a licensed engineer and approved by NHDES.
- S18. Building footprints and driveway locations may vary by up to 10% without Planning Board approval. Work shall conform with the Exhibits listed above except as amended by Conditions Precedent. (Notes: 1. Septic system and well locations are not subject to this limit provided they are consistent with NHDES requirements. 2. Stormwater infrastructure may be revised as required for compliance with NHDES permits.)

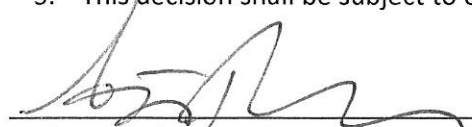
- S19. Lighting and signage will be in compliance with current Zoning Ordinance requirements at the time of installation.
- S20. The paved area shall be kept clear of snow at all times and treated for ice when necessary.
- S21. Beginning one year from the date of final approval and annually thereafter until completion of the final phase, the owner shall provide the Planning Board with annual reports of development activities completed over the course of the year and those planned for the coming year.
- S22. For the purposes of administration of RSA 674:39 (NH vesting statute) the term “active and substantial development of building” shall mean completion of roadway and associated stormwater infrastructure improvements to serve five condominium units in accord with the approved subdivision plan and NHDES permits as documented by the Town’s inspecting engineer. The term “substantial completion” shall mean issuance of a certificate of occupancy for five condominium units. Further, for the purposes of administration, each time period specified under RSA 674:39 shall commence to begin on the date of recording of the final subdivision plan at Grafton County Registry of Deeds.

TIME LIMITS

This approval shall be null and void if Conditions P1 through P15 have not been met by August 24, 2023, unless an extension has been granted by the Planning Board at a duly noticed public hearing.

APPEALS AND ENFORCEMENT

- 1. Any person aggrieved by this decision has the right to appeal within 30 days from the date of the decision by the Planning Board (RSA 677:15).
- 2. The Planning Board may revoke this approval pursuant to RSA 676:4-a for failure to conform to the statements, plans or specifications upon which this approval was based, or material violation of any requirement or condition of approval; failure to perform any condition of approval within the required timeframe, or if no timeframe is specified herein, within the time periods specified in RSA 674:39; when the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plan no longer conforms to applicable ordinances or regulations; or if required security is no longer provided.
- 3. This decision shall be subject to enforcement as provided in RSA 676:15 et seq.



Anthony Rodríguez
Vice-Chair, Bethlehem Planning Board

8-25-2022

Date