



PLANNING BOARD

TOWN OF BELMONT, NH

Monday, January 24, 2022
Belmont Mill, Tioga Room and Zoom
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Michael LeClair, Gary Grant, Kevin Sturgeon, Richard Pickwick, and Jon Pike, Ex-Officio; Alternate Member Dennis Grimes.

Staff: Sarah Whearty, Rick Ball, and Colleen Akerman.

Absent: Alternate Member Rick Segalini, Jr.

Zoom: None

The Chairman opened the meeting at 6:00 pm and welcomed those in attendance. He announced that the Belmont Selectmen have adopted a mask mandate for public buildings. He announced that as Chairman of the Belmont Planning Board, this public body is authorized to meet using electronic means as long as there is a quorum physically present. He said the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he announced that any party experiencing any difficulty in accessing the meeting at any point should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

1. **Public Hearing – Amend Subdivision and Site Plan Regulations:** Copies of the full-text amendments were on file for public inspection at the Town Clerk's Office and Land Use Office in the Town Hall, the Belmont Library and at www.belmontnh.org. *(full text attached)*

The Chairman opened the public hearing.

S. Whearty informed the Board they will need to decide whether to approve, deny or change the proposed amendments. These will need motions, but they are not ballot items. If any changes are proposed, there will need to be an additional public hearing.

She said the first proposal was based on discussion from the last Planning Board meeting; to change the number of lots from 2 to 3.

J. Pike asked if one motion could be made for all three items. S. Whearty said that would be acceptable.

The Chairman closed the public hearing.

MOTION: J. Pike moved to approve three proposed amendments of the Subdivision and Site Plan Regulations as posted for this meeting:

- a. **Section 9.E.9 of the Subdivision Regulations:** Create private Road Standards for a consistently constructed, safe road for the creation of and access to a set number of lots. Insert new detail as Exhibit 5, renumber remaining exhibits, and amend the numbering in the Table of Contents.
- b. **Section 4.A of the Subdivision Regulations and Section 4.A of Site Plan Regulations:** Allow Staff to waive the ARC submission requirement in specific cases for extension requests and submissions with no material changes from previous applications that have been before the ARC.
- c. **Section 4.A of the Subdivision Regulations and Section 4.A of the Site Plan Regulations:** Add a reference to RSA 91A:2II. RSA 91A:2II allows for public hearing notices to be published on the Town's website as an alternative to posting in the newspaper.

The motion was seconded by M. LeClair and carried. (7-0)

2. **Public Hearing – Paul Zuzgo for Raed Hertel Family Trust:** Continuation of a request for subdivision approval to subdivide one lot into five. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the “RS” Zone. PB #2221P. (Withdrawn)

MOTION: W. Peterson moved that the application received by the Planning Board to subdivide one lot into five, Case #2221P, be denied without prejudice as the applicant has brought forward a new application. This file will be closed.

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

3. **Plan Submission Meeting and Public Hearing – Paul Zuzgo for Raed Hertel Family Trust:** Request for new revised subdivision plan approval to subdivide one lot into four. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the “RS” Zone. PB #0122P.

Mr. Van Hertel was present for this application.

The Chairman stated there were a number of waiver requests.

- MOTION:** W. Peterson moved to grant the waiver request for:
- a. Stormwater Management Plan (and Report) (Subdivision Section 5.D.6) because no road construction is permitted by this approval and stormwater impacts will be limited to those associated with the construction of the 4 individual homes upon lots of 2 acres or more. A Stormwater Management Plan may be required for future development proposals.

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

S. Whearty explained Staff supports the topography waiver but requests details for the frontage of lots 1 and 2. The current plan does not show proposed access with topographic information. The page that shows detail and buildable area for lots 3 and 4 should also be provided for the frontage of lots 1 and 2. Lots 1 and 2 are large lots and topographic information is not needed for all of the acreage.

W. Peterson asked if the waiver is granted, will Staff still have the authority to obtain the

information they are looking for. Staff said yes. J. Pike stated if a road is put in and it becomes 5 lots, then he wouldn't want to grant the waiver. S. Whearty confirmed this is only a waiver for this plan, not any future subdivisions. Any further subdivisions could require additional topographic information. R. Ball declared that topography for lot 1 and 2 are important because it is set up for a road in the future.

MOTION: J. Pike moved to grant the waiver request for:

- b. Topographic Plan (Subdivision Section 5.D.2) for topography on remaining land of parent parcel because no development is proposed at this time for the remainder of the parent parcel. However, topography should be shown for the frontage along Jamestown Road for proposed lots 1 and 2 due to the proposed driveway.

The motion was seconded by K. Sturgeon and carried. (7-0)

J. Pike requested that the portion of wetlands on the remaining land be written as described, or marked with the lot number so that it is clearly defined as lots 1 and 2.

MOTION: J. Pike moved to grant the waiver request for:

- c. Soils Map and Report (Subdivision Section 5.D.3) for wetlands on remaining land of parent parcel because no development is proposed at this time for the remainder of the parent parcel.

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

S. Whearty stated the current proposal is to connect 2 of the 4 lots to the sewer.

R. Pickwick stated this waiver must be denied because the property is within 500 feet of sewer so all lots must be connected to sewer. P. Harris commented that a waiver could be granted on the hardship of the property, but a financial reason cannot be used to grant a waiver. M. LeClair asked if there are any hardships. R. Ball declared there are no hardships. Mr. Hertel is creating lots that are more than 1,000 feet away from the sewer, but if any part of the project is within 500 feet, all of the lots must connect. J. Pike said this motion is protecting other properties and protecting the water with a sewer system.

Mr. Hertel asked if he went with his original proposal of 5 lots and wanted to sell them to a developer, could the waiver be approved subject to the lots being occupied or homes built. W. Peterson asked for clarification that Mr. Hertel is asking to not do the engineering for the sewer. Mr. Hertel commented that it would be an advantage to the Town to not disturb the road. J. Pike stated Jamestown Road is high on the agenda for work. The property is upland to the road and water runs downhill. Mr. Hertel stated if the sewer is run on the property, but not along the road, there would be less disturbance. J. Pike speculated pumping stations would be necessary, which would be paid for by Mr. Hertel or a future purchaser of the property. The road will be rebuilt in the next two years. If it needs to be dug up afterwards, it won't be a pleasant proposal to take up with the Town.

MOTION: R. Pickwick moved to deny the waiver request for:

- d. Utilities – Sewage Disposal (Subdivision Section 9.C.2) - If any project is within 500 feet of a municipal line, the subdivider shall connect all building lots to sewer; because the regulation is clear that if any part of the project is within 500 feet, all lots must connect. There is no reason all of the lots cannot be connected.

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

- MOTION:** J. Pike moved that the application is not complete for the following reasons:
- a. Sufficient information regarding access and buildable area have not been provided for lots 1 & 2.
 - b. sewer connection information must be provided for all lots.
- Resubmission is subject to review by the Land Use staff for completeness and requires renotification of abutters. This application will be tabled until 6 pm, Monday, March 28, 2022 to give the applicant time to submit additional required information.

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

- 4. Public Hearing – Tap Public House Inc.:** Continuation of a request for site plan approval to allow outdoor seating, expand the existing use to include the downstairs and add parking spaces. Property is located at 930 Laconia Road, Tax Lot 122-057-000-000 in the “C” Zone. PB # 0320P.

S. Whearty distributed a copy of an email from Mr. Phil Brouillard that was sent after the Board’s packets had been mailed. The email stated Mr. Brouillard would not be attending this evening’s hearing but he is in agreement with the Staff report to close this application. His email shows that the applicant, Mr. Mike Campione, and the property owner support this file being closed, and that in the event they wish to move forward it will require a new application. This helps keep a clean record of the project for Staff.

- MOTION:** J. Pike moved that the Site Plan application received by the Planning Board to add a deck and allow outdoor seating, Case #0320P, be denied without prejudice. The file will be closed. Any further proposal for this property shall require a new application conforming with all current requirements.

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

5. OTHER BUSINESS:

A. Approval of Minutes 12/27/2021:

- MOTION:** P. Harris moved to approve the minutes of December 27, 2021 as written.

The motion was seconded by J. Pike and carried. (5-0-2) K. Sturgeon and R. Pickwick abstained.

B. Expired Approval:

1. Barton & McDonald Co. – 963 & 985 Laconia Road - Tax Lots 122-076-000-000 & 125-047-000-000:

- MOTION:** J. Pike moved that the conditional Earth Excavation approval granted by the Planning Board to Barton & McDonald on 6/25/2018, Case #0718P, has expired in accordance with Section 7.A.1 of the Site Plan Review Regulations. These files will be closed. Any further proposal for this property shall require a new application conforming with all the current requirements.

The motion was seconded by K. Sturgeon and carried. (7-0)

C. New Business: None

D. Staff Report:**Tap Public House Inc. – 930 Laconia Road – Tax Lot 122-057-000-000:**

S. Whearty spoke to the Board about the letter from the TAP about shared parking with the Yolk Restaurant that was submitted at last month's meeting. Staff does not feel that the proposal meets requirements. The proposal does not hold Mr. Brouillard to limiting any future business at the Yolk Restaurant location to closing at 2 pm so those parking spaces can be used for the TAP.

J. Pike said Mr. Brouillard has been promising to repair the parking and the bottom lot is somewhat done. There is a plan for parking at the top of the grassy knoll. It took 15 years for him to work on the parking and businesses are caught in the middle. The TAP and the Yolk got together to see what they could do. They need to come back to the Board with an agreement that includes Mr. Brouillard and has a date certain for when the upper parking lot will be completed. There are tanks and pipes stored on site intended to be used for the upper parking area. The businesses are concerned.

S. Whearty asked the Board whether an agreement like that would satisfy the parking requirement in order to allow expansion, until the parking lot is constructed. R. Ball said Mr. DeJager, the other investor in the property, has stated the upper parking area will be built in the spring. J. Pike said it would not satisfy the parking requirement unless Mr. Brouillard makes an agreement with a time certain for when it will be started and how it will happen. The Board needs something to "hold his feet to the fire". We want to help the businesses stay in our town. Mr. Brouillard and Mr. DeJager should be engaged in an agreement about the parking. There was discussion about allowing the Board to grant an exception for specific dates and then there is something to hold them to. R. Pickwick asked about an organized plan for what the owner and businesses want to do. J. Pike said Mr. Jon Rokeh is the engineer and has been before the Board many times. R. Ball confirmed Staff has the plan for the parking and is handling it administratively.

W. Peterson asked if there are approvals for another building. R. Ball answered that there were, but they expired years ago. However, Mr. Brouillard showed another building on his newest plan, between the Yolk and the dumpsters. The lot is not capable of supporting another building. Staff was certain to notify Mr. Brouillard that no building was approved as part of the parking plans.

W. Peterson asked for clarification on the grandfathering that was mentioned in Mr. Brouillard's email. S. Whearty explained that Mr. Brouillard proposed changing the drafted motion in the Staff report to remove "conforming with all current requirements" because he thought it would threaten his grandfathering. That is a different issue, but Staff thought it was important to include all of his comments for review. R. Ball asserted that parking requirements can't be met for the businesses that are there now and another building is not feasible. W. Peterson said the Board told Mr. Brouillard the same thing the last time he was there.

S. Whearty said the Board can expect to see a new site plan from Mr. Mike Campione and that he will be applying to the Zoning Board for an extension of his approval for a deck. M. LeClair stated the Board told Mr. Campione he could have his deck approval if the parking was figured out.

Roeder – Bean Hill Road –Tax Lot 218-004-001-000:

Staff is looking for clarification on a previous subdivision condition that states "no further subdivision of lot 218-004-001-000 having access from Bean Hill Road".

The Board received a copy of the subdivision plan in their packets with note #8 stating “no further subdivision of lot 218-004-001-000 having access from Bean Hill Road”. The minutes for the meeting where this was discussed were also included in the packets. S. Whearty said her interpretation is that the subdivision for lots 4 and 4-1 was allowed to take place with less than the required sight distance in exchange for a note being placed on the plan stating no further subdivision. Mr. Roeder is not arguing about the condition. He is asking if he meets the sight distance requirements, would the Board entertain an application for subdivision.

M. LeClair noted the previous subdivision with the restriction is from 2006 and it should not matter today. R. Ball said there is a note on the plan that there would be no further subdivision and the Board in 2006 can't hold the current Board to that standard. If the subdivision can meet today's regulations, it should be allowed. Mr. Roeder has already shaved Bean Hill Road back. He asked for DPW Director Craig Clairmont's input on sight distances, but was told it is not the Town's responsibility and he needs a surveyor. Land Use Staff and DPW Staff have told Mr. Roeder he needs a surveyor to determine the sight distances. S. Whearty clarified that the situation is that Mr. Roeder does not want to spend the money on a surveyor if the Board will not entertain a subdivision proposal, even if sight distances can be met. J. Pike was concerned about Town liability if the Board approved something without the proper sight distances. S. Whearty explained the Town's attorney advises Boards to ignore the “no further subdivision” type of comment because previous Boards can't tell future Boards what they can and can't do. Her comments were included in the Board's packets. The determination of whether or not a lot can be further subdivided should be based on the Town's current regulations. If Mr. Roeder can meet the sight distance at 10 times the posted speed limit, zoning regulations would allow him to subdivide.

It was the consensus of the Board to entertain a subdivision application for this lot if the sight distance requirements can be met.

S. Whearty informed the Board that Mr. Roeder has already submitted an ARC application and is planning to attend the January 27th meeting.

67 Gardners Grove Road – Map/Lot 120-005-000-000:

S. Whearty asked the Board for guidance on a subdivision condition for driveway access.

She explained that during review of two driveway applications, a condition was found on the original subdivision plan that says access to the lot shall be via the asphalt portion of Gardners Grove Road or Pine Grove Road. Staff visited the site and due to grade changes from Pine Grove, which is the only possible asphalt access, it would be challenging to construct a driveway that would provide reasonable access to the developable portion of the site. There is not a perfect application for this type of request. An application would require a lot of waiver requests. Staff needs to know if the Board will allow access off the gravel portion of Gardners Grove Road or will the condition that it must be from the asphalt portion be enforced? Does the Board want to see an application or can Staff address this administratively? W. Peterson asked for the reason the condition was included on the original plan. S. Whearty reviewed the minutes from the 1993 meeting and there was no discussion shown for this condition. Some lots were allowed access from the gravel portion of the road and others were restricted to the asphalt portion. D. Grimes asked if there is a problem with the road. R. Ball stated there is no problem with drainage for the location proposed in the driveway application. D. Grimes asked if there is any legal reason the Board can't grant the driveway from the gravel portion of the road. R. Ball responded that the Board has waived this type of condition before, for the planned driveway versus what was constructed. S. Whearty commented it might be excessive to require a subdivision amendment for this.

MOTION: J. Pike moved to waive the original subdivision requirement for access and allow a driveway to access tax lot 120-005-000-000 from the gravel portion of Gardners Grove Road so as not to create a hardship for the property owner.

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

Other:

Two customer satisfaction surveys were distributed to members.

Candidate filing for Planning Board positions closes Friday.

Adjournment:

MOTION: M. LeClair moved to adjourn at 6:50 pm.

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

Respectfully submitted:

Colleen Akerman
Building & Land Use Clerk

Create Private Road Standards

Amend Section 9.E.9 of the Subdivision Regulations. Create road standards for private roads to provide a consistently constructed, safe road for the creation of and access to a set number of lots. Amend the numbering in the Table of Contents, add column to Exhibit 3B, insert new detail as Exhibit 5, and renumber remaining exhibits.

Underlined/~~Crossed out Text~~ to be added/changed – renumber remaining items as necessary

Table of Contents:

Add new Exhibit 5, renumber remaining exhibits

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Exhibit 4d	Details
Exhibit 5	<u>Typical Private Road Section (9b)</u>
Exhibit 5 <u>6</u>	Subdivision Process
Exhibit 6 <u>7</u>	Stockade Fence Detail

Section 9: Minimum Design Requirements

Add language that references the new design standards in Exhibit 3B and new Exhibit 5 depicting the newly-created Private Road Standards. Renumber remaining sections (b-d becomes c-e).

9. Minimum Design Requirements

- a. New roads intended to be dedicated for public purposes and private roads that serve more than three (3) lots shall be designed to conform to the minimum standards established in Exhibit 3 and as shown on the attached Typical Roadway Cross Section (Exhibit 4). The roadway designs are based on average daily traffic volumes (ADT).
- b. New private roads serving no more than three (3) lots, including the original lot, shall be designed to conform to the minimum standards established in Exhibit 3 and as shown on the attached Typical Private Road Section (9b) (Exhibit 5).
- ~~b~~c. ADT should be determined by the manual entitled Institute of Transportation Engineers - Trip Generation. This may be supplemented by actual traffic data compiled for local roadway networks, applicable to the proposed project.
- ~~c~~d. Where streets have the potential for extension through to other lands or other potential street networks, appropriate increases in the traffic volume estimates may be required at the discretion of the Planning Board. The Planning Board shall have the right and authority to increase design standards in such cases and in other cases where it is deemed appropriate.

- de. For streets serving commercial/industrial areas, the Planning Board may require more restrictive requirements than shown.

Exhibit 3B

Add column for Private Road Design Standards and add clarification of 9a. and 9b. to table.

Exhibit 3B
MINIMUM ROAD DESIGN STANDARDS
TABLE 1

TRAFFIC LOAD	<u>(9a)</u> ADT 0-50	<u>(9a)</u> ADT 50-250	<u>(9a)</u> ADT 250-400	<u>(9a)</u> ADT 400-750 (or greater)	<u>(9b)</u> Private Road
Design Speed	20	20	30	35	<u>20</u>
Centerline Curve Radius	120	150	250	425	<u>120</u>
Roadway Width (a)	20'	22'	22'	24'	<u>14'</u>
Shoulder Width (each side) (b)	2'	3'	4'	8'-10'	<u>2'</u>
Vertical Curve Crest: Sag:K Values (min)	15' 24'	15' 24'	30' 40'	50' 50'	<u>15'</u> <u>24'</u>
Sight Distance	REFER TO BELMONT DRIVEWAY REGULATIONS				
Sight Distance @ Road Intersections	REFER TO BELMONT DRIVEWAY REGULATIONS				
Profile Grade Minimum: Maximum:	0.5% 8%	0.5% 8%	0.5% 8%	0.5% 7%	<u>0.5%</u> <u>8%</u>
Minimum Platform & Road Intersections	2%-50'	2%-75'	2%-100'	2%-100'	<u>2%-50'</u>
Minimum Pavement Radius @ Road Intersections	30'	30'	35'	40'	<u>30'</u>
Bank Run Base Course Depth	12"	12"	12"	16"	<u>8"</u>
Crushed Gravel Course Depth	6"	6"	6"	8"	<u>4"</u>

Exhibit 5

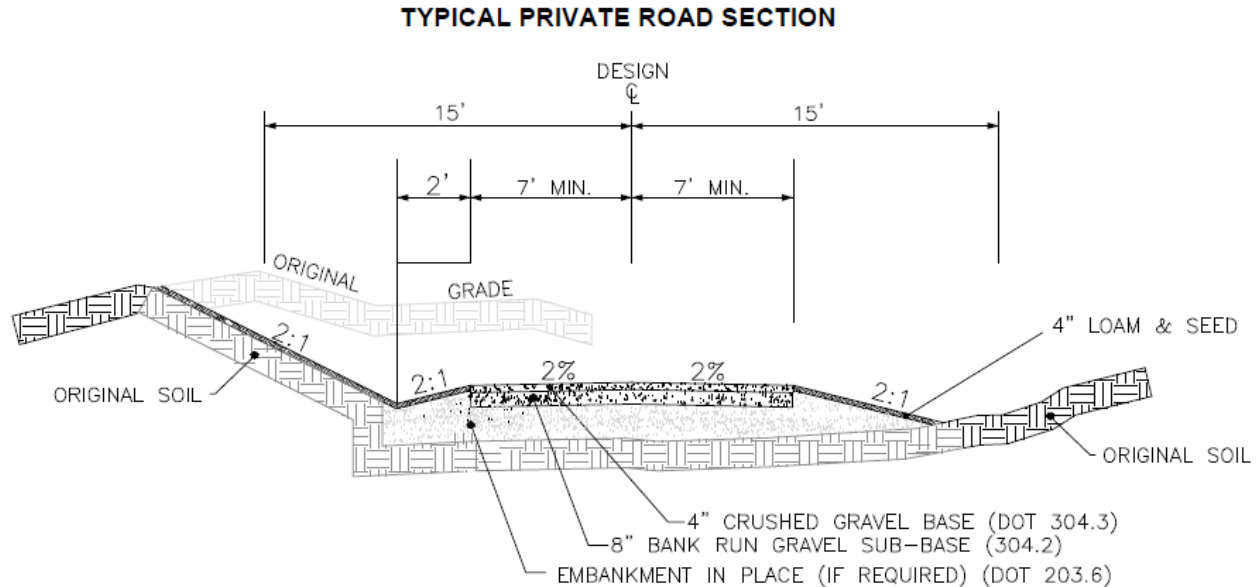
Add NEW Exhibit 5 depicting a Typical Private Road Section (9b). Renumber remaining exhibits.

Old Exhibit 5 becomes Exhibit 6

Old Exhibit 6-a becomes Exhibit 7-a

Old Exhibit 6-b becomes Exhibit 7-b

(No additional TOC or reference edits were required)



NOTES:

1. BOTTOM OF 8" GRAVEL SUB-BASE IS TO BE 2' ABOVE THE ESTIMATED HIGH WATER TABLE.
2. EMBANKMENT-IN-PLACE, IF REQUIRED TO MEET SEPARATION TO ESHWT, IS TO BE FREE-DRAINING MATERIAL. UNSUITABLE MATERIALS SHALL BE REPLACED WITH SAND (DOT 304.1), ROCK, GRAVEL, OR A COMBINATION THEREOF.
3. IF DRIVEWAY GRADE IS GREATER THAN 6%, VERY COARSE CRUSHED STONE (DOT 304.6) SHALL BE PLACED IN DITCHLINE.
4. CROWN OF CROSS-CULVERTS SHALL BE A MINIMUM OF 24" BELOW FINISH GRADE AT CENTERLINE.
5. PAVEMENT IS OPTIONAL.
6. IF LEFT UNPAVED, A 10' PAVED APRON, AS REQUIRED BY THE DRIVEWAY REGULATIONS, SHALL BE PROVIDED AT THE INTERSECTION WITH THE TOWN HIGHWAY.
7. A TURN-AROUND SUITABLE TO THE BELMONT FIRE DEPARTMENT SHALL BE CONSTRUCTED.
8. IN ACCORDANCE WITH 9b., A PRIVATE ROAD BUILT TO THESE REDUCED STANDARDS SHALL SERVE NO MORE THAN THREE (3) LOTS.

Waive ARC Submission Requirement in Specific Situations

Amend Section 4.A of the Subdivision Regulations and Section 4.A of the Site Plan Regulations. Allow Staff to waive the ARC submission requirement in specific cases – extension requests and submissions with no material changes from previous applications that have been before the ARC. For example: New applications for previously-expired approvals where nothing has changed.

~~Underlined/Crossed out Text~~ to be added/changed – renumber remaining items as necessary

SECTION 4. APPLICATION REVIEW PROCESS

A. Procedure

To assist in the application process, the Board shall appoint an Application Review Committee (ARC) comprised of the following members (or their delegates): Town Administrator, Public Works Director, Building Official, Fire Chief, Police Chief, Land Use Technician, Town Planner, and such other officials or agencies as may be deemed appropriate by the Board or the Town Planner for a particular application. The Town Planner, who shall act as chairperson, shall develop a written process for the efficient operation of the ARC and establish a meeting schedule for the ARC which shall meet at least monthly unless no applications have been submitted. Meetings of the ARC shall be noticed and records maintained in accordance with RSA 91-A:2,II.

Prior to the formal submission of an application, request for amendment or approval extension, the owner or applicant (so designated in writing by the owner), shall first meet with the ARC who will assist the applicant to produce a technically complete application, conforming to the applicable regulations. The intent of this review is to assist the applicant and the Planning Board for an efficient and effective review by the Board reducing unnecessary costs and delays in the application process. **In some cases, Staff, acting through the Town Planner, may waive the ARC submission requirement. These instances will specifically be limited to extension requests and submissions that have no material changes from applications that have previously gone before the ARC by the same applicant. Department Heads will still be noticed and the submission requirement will only be waived if all Department Heads are in agreement.**

The applicant may then make formal submission of the application, with all supporting data, plans, fees and any written request(s) for waiver to the Town Planner who will determine if the application complies with the minimum application submission requirements of these regulations. Information on applications to be placed on the Board's agenda shall be distributed to the ARC members who shall submit their written comments to the Planning Board on the completeness and compliance of such applications.

Amend Noticing Requirements

Amend Section 4.A of the Subdivision Regulations and 4.A of the Site Plan Regulations. Add a reference to RSA 91A:2II. RSA 91A:2II allows for public hearing notices to be published on the Town's website as an alternative to posting in the newspaper. Publishing notices in the newspaper has become very costly, especially with the Zoom language. RSA 91A:2II would allow us to post the notice in the Land Use Office/Library/Town Clerks Office and website as our "2 appropriate places". The Land Use Office already published the notices on the website, so it would be no additional effort, but a significant cost savings. An excerpt from RSA 91A:2II is included below.

Underlined/Crossed out Text to be added/changed – renumber remaining items as necessary

When a layout is placed on the Board's agenda for consideration, and prior to acceptance as a Completed Application, Notice of Submission shall be made in accordance with NH RSA 676:4-I(d)&(e) and these regulations. In addition to the Notice of Submission, and prior to the Board taking action to approve or deny any application, a Public Hearing shall be held in accordance with RSA 676:4,I(e) and notice shall be given in accordance with RSA 676:4,I(d), **91A:2II**, and these regulations to provide an opportunity for public testimony relative to the consequences of the proposal. Notice of Submission and Notice of Public Hearing may be given in one notice.

91-A:2 Meetings Open to Public. –

- I.Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings.