

DRAFT



PLANNING BOARD TOWN OF BELMONT, NH

Monday, September 26, 2022
Belmont Mill, and Zoom
Belmont, NH 03220

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

Members Absent: Gary Grant

Alternates Present:

Alternates Absent: Rick Segalini, Jr., and Dennis Grimes.

Staff: Susan Austin and Sarah Whearty

Zoom: None

The Chairman opened the meeting at 6:05 pm and welcomed those in attendance and announced that as Chairman of the Belmont Planning Board, this public body is authorized to meet using electronic means. He said that 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.

Work Session Capital Improvements Program (CIP):

Fire Chief Newhall was present to discuss his CIP requests. He stated that he had four CIP requests this year. He stated that the first request is for the replacement of Ambulance 1. It costs the department quite a bit of money to work on it every year, and its reliability is coming into question. A new ambulance fully equipped is \$575,000, of which \$136,000 is equipment to include an EKG, Ultrasound, nitrous oxide, and rescue equipment. He added that he has spoken with the Town Administrator and let her know that they would like to finance this. They would be paying for this over a period of time so there will not be a large lump sum of money coming out. The payments would come out of the special revenue fund.

Chief Newhall stated that the second request was for refurbishing Engine 1. This is a 2011 Emergency 1 Typhoon chassis class A fire engine. They are repainting the truck, repacking the motor, replacing all of the lighting with LED, etc. in order to allow them to use this engine for years to come. This engine cost close to \$500,000 when they bought it, now a new engine is close to \$750,000 to buy new. Therefore, they would like to preserve this engine for as long as they can. This request is also for refurbishing their hydraulic equipment that they use when clearing cars from motor vehicle accidents. They are changing them out to the Holmatro system, which is a battery powered system called a Pantheon. In the town of Belmont, out of the 1,800 calls they respond to a year, 200 of those are motor vehicle accidents, significantly higher than any of the surrounding towns, including Laconia. Laconia has about 5,000 call a year, but only 100 motor vehicle accidents a year. J. Pike asked what the estimated cost was. Chief Newhall stated that it was estimated to cost \$225,000, and would be 100% funded through the ambulance revenue fund.

Chief Newhall's third request is for a utility vehicle. He stated that he brought this forward last year, but the Board was concerned about the ambulance revenue account running a bit low, so they asked that he hold off and come

back with it this year. They currently have a 2011 Ford Super Duty F350, and they would like to replace it with a newer vehicle with a plow. The fire department plows their own driveway and maintains all of the hydrants. The estimated cost of this will be \$78,000, which includes the plow, lights, and lettering. This will also be 100% funded through the ambulance revenue fund.

The Chief's last request is for hose. He explained that they have not replaced the hose in over two years, and it's getting to the point where when they do service testing every year and they lose a length here and there. They are requesting to buy 1,000 feet of 4 inch hose, and 12 lengths of every color which are blue, red, orange and yellow, and 8 lengths of tan. The estimated cost of this request is \$25,000, which is 100% funded by the ambulance revenue fund. Patrick Golden, the supervisor for Buildings and Grounds presented his CIP requests to the Board. He stated that he is requesting a Utility Terrain Vehicle (UTV), to help with the efficiency of the department. For 8 months during the year, they run with a two-man crew, and for 4 months they have a three-man crew. There are several areas outside of the downtown area that take the truck away, so if they leave a crew member downtown, it would give them the ability to move from building to building, collect garbage, or do landscaping. It would increase their efficiency throughout the town, plus it would be useful to have for events such as Old Home Day. It would help with setting up and doing trash runs. They priced these out from low to high, it ranged from \$9,000 to \$15,000. They found a 2022 Bighorn, which they could buy for \$9,400, if the 2022 is not available, they could get a 2023 for \$10,400. J. Pike asked if this would include a plow? P. Golden stated that it would not include a plow.

S. Whearty stated that they have also received the standard CIP requests from the Town Administrator, as well as a revised request from the library, they are present to discuss their revised request, although the dollar amount has not changed.

Mary Charnley, Library Trustee, was present to discuss the library's CIP requests. She stated that the dollar amount of \$25,000 has not changed, they are just resubmitting the amended document.

PLAN SUBMISSION MEETING AND PUBLIC HEARING – PAUL ZUZGO FOR RAED HERTEL FAMILY TRUST: Continuation of a request for Subdivision Plan approval to subdivide one lot into six. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the "RS" Zone. PB #1122P (**Applicant requested a continuation to 10/24/22.**)

S. Whearty stated that the applicant had requested a continuation to allow for additional time to revise the sewer design, which has been submitted to the Land Use office and forwarded to the engineers for review.

BOARD'S ACTION: PAUL ZUZGO FOR RAED HERTEL FAMILY TRUST:

MOTION: P. Harris moved to Table the Public Hearing on the application of Hertel Raed Family Trust request for subdivision approval to subdivide one lot into six, located on Jamestown Road, Tax Lot 118-016-000-000, to 6pm, October 24, 2022, at this location and to accept the applicant's request to waive of the 65-day timeline set forth in RSA 676:4.

Second by R. Pickwick

VOTE: All in favor (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – TAP PUBLIC HOUSE: Continuation of a request to amend a previously approved Site Plan to show upper parking lot, add parking spaces, add a deck, show proposed building, remove existing above ground tanks and existing jersey barriers, and connect to underground tanks. Property is located at 936 & 930 Laconia Road, Tax Lot 122-057-000-000 in the "C" Zone. PB #2222P.

Attorney Phil Brouillard and Jon Rokeh, Rokeh Consulting, were present for this application. P. Brouillard stated that this project was in front of the Board last month for Design Review. They had also submitted an application in June to install the upper parking lot and retaining wall. The reason is to add parking and a seasonal outdoor deck

and increase the general parking for the shopping center in its totality. They are creating the additional parking spaces in the upper parking lot. That is significant because the upper parking lot was approved by the Planning Board in 1995, and they are here to get approval to finish constructing that parking lot. They are building an Allan Block retaining wall. They are asking the Board to consider a creative shared parking lot with a specific restriction that the Tap seasonal deck will operate from April 1 to October 15 from 11 AM to 10 PM as a condition of the shared parking arraignment. They would also like to relocate the existing 1,000 gallon above-ground propane tank to a different area to make the shopping center more aesthetically pleasing.

In the staff report there are three waiver requests, Storm Water Management Plan, Topographic Plan, and Soil Map and Report. The reasoning of the staff for supporting those waivers are in the Board's packets. J. Rokeh prepared a water and drainage study at the Town's request as part of this proposal that was submitted. P. Brouillard stated that he has some concerns about a few of the Planner comments which carry over into her suggested conditions as far as a proposed motion. One has to do with the retaining wall construction details. He would like to have J. Rokeh speak to that for the Board's consideration. S. Whearty clarified that the comment says construction details, not engineering plans. Construction details should be included for all elements shown on the plan. P. Brouillard indicated that J. Rokeh would add them to the plan.

J. Pike stated that he had a question about the storm water management. In a normal rain, the water is ponding at the bottom of the existing wall. How will they get rid of that water? P. Brouillard stated that he had a paving contractor come and look at that, and he said that there was some settling of the paving job, and that would be corrected with the topcoat, currently they only have the binder down. J. Pike asked if that would be done this year? P. Brouillard stated that it would not be complete this year, they are hoping to get the binder put down on the upper portion if the Board approves them tonight, but they will not do the finish coat this year. J. Pike stated that they have been doing this for several years, and for his own satisfaction, he would like a date certain that it will be completed. Whether this season or the next season, but not two years from now. It doesn't seem that the drainage system works. P. Brouillard stated that he disagrees with J. Pike's statement. The drainage system works, there is some puddling because of the settling of the asphalt, but it's not backed up because the water isn't flowing. J. Pike asked when would the time certain be that they would be comfortable fixing the puddling and fixing the asphalt? P. Brouillard stated that they could have it done by 12/31/23.

P. Brouillard stated that there was some concern about the creative parking arrangements. Referencing a handout that he had prepared, he explained that on the last page, there is a list of uses and what the parking requirements were for each. On the first page, they took the use, multiplied it by the seats and employees to create the number of spaces needed. He stated that he and Staff agree in their analysis, and this new amended site plan creates 74 spaces. They also agree that the total parking spaces needed for this new use, including the new deck that they are proposing, is 114 spaces. If they look at the shared parking analysis, he broke it down into five categories. He's taken each tenant, including the vacant store, and showed a line that says "per requirements", and another line that says "actual". He spoke with the tenants of each establishment in the shopping center and asked what the actual number of people there during certain hours. For instance, at The Yolk, from 6 AM to 2 PM, per the requirements, they are required to have 33 parking spots, but there are only 20 people in the restaurant at any given time eating breakfast. The point he's trying to make is there is a difference between what the requirements are, and how many parking spots these businesses actually use. The Yolk is open from 6 AM to 2 PM, per the requirements, they need 65 spaces, but the actual is 33 from 2 PM to 10 PM.

S. Whearty commented that the application has not yet been accepted as complete, and they have not yet approved any of the waiver requests.

MOTION: J. Pike moved that the request to waive Storm Water Management Plan and Report be granted because the drainage on the site has been completed and the remaining physical alterations should not be impacted by soil conditions. Also noted that the asphalt project be completed by 12/31/23, as per the applicant's statement.

Second by M. LeClair

Vote: All in favor (6-0)

MOTION: W. Peterson moved that the request to waive Topographic Plan be granted because the proposed physical alterations associated with this proposal shall not be significantly impacted by topography.

Second by R. Pickwick
Vote: All in favor (6-0)

MOTION: W. Peterson moved that the request to waive Soils Map be granted because a drainage plan and report were previously completed and approved for the entire site and the proposed changes will have minimal impact on drainage.

Second by R. Pickwick
Vote: All in favor (6-0)

MOTION: J. Pike move that the request to waive Landscape Plan be granted because physical alterations associated with this proposal shall not significantly impact landscaping.

Second by K. Sturgeon
Vote: All in Favor (6-0)

The applicant withdrew the waiver request for Narrative (Site Plan Regs. Section 5.D.9)

MOTION: M. LeClair move 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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 11/30/2022, subject to extension or waiver.

Second by J. Pike
Vote: All in Favor (6-0)

The Chairman stated in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.

Second by J. Pike
Vote: All in Favor (6-0)

The Chairman opened the public hearing portion of the review.

There being no additional questions or comments the Chairman closed the public hearing.

P. Harris noted that the Board has been working with this applicant for a long time, and they have asked a lot from the applicant, and the applicant in turn has brought a lot back to the Board.

W. Peterson commented that as far as parking goes, there is a big separation between what is required and what they actually have. He stated that he knows they are trying to be creative, but this will be a first for this Board if they waive this. The creative plan would lock one of the tenants into a certain timeframe, and they very easily could expand to dinner hours or stay later than 2 PM. P. Brouillard stated that they did speak with the tenant and they said they had no plans to expand. W. Peterson stated that those tenants could be gone tomorrow. S. Whearty stated that since this has been before the Board a few times, and this is the topic that keeps coming up, if a different restaurant comes in, has different hours, and doesn't necessarily require site plan approval and it's just a change of tenant at the staff level, her suggestion is to record a Declaration of Restrictive Covenants, which would limit the business hours. That way, if another restaurant comes in, they will be restricted to the hours that the Board sets. P. Brouillard stated he cannot do it, as it is a breach of his mortgage covenants. He does agree with Staff that a tenant application needs to be filed if there is a new tenant, and if an issue is created by that, they can address it then. He stated that they have this breakfast restaurant that uses all of the spaces down below, and on the weekend, they may use the new parking lot. After 2 PM, the people who are going to the Tap, they don't park in front of the breakfast restaurant, they park in front of the door. There has to be a little consideration of what actually happens on the site. There is a difference between what the regulations say and who is actually parking.

M. LeClair stated that how they vote on this will set a precedent. That would mean other applicants may come before the Board and say that they helped one person out, so they should help this person too. He wants the Board to vote tonight not to help a guy out, but voting to do what is best for the Town. M. LeClair thinks the improvements that they have done with the extra parking are excellent. He stated that it was mentioned that there was a time restriction on the installation of the deck, and he'd like the applicant to explain that.

Mike Campione, the owner of the Tap House, addressed the Board. He stated that the time restriction was from the ZBA, because he only received a one-year variance, and his one-year extension for that variance ends in June, which means they would have to go through this entire process again. M. LeClair stated that his question was about the time frame that the deck was operational. M. Campione stated that since he wasn't going to allow smoking on the deck, it would only be open seasonally. M. LeClair stated that he should remove the language restricting the use to seasonally, that way he could open it up if the need arises.

P. Harris stated that he has concerns about who takes responsibility for the over parking violations as they occur? With that many spaces after 5 or 6 o'clock, those will be all Tap customers.

P. Harris asked what is the seating plan in the restaurant? M. Campione stated that the permit allows 65 in the bar, and 16 in the restaurant. P. Harris said that was 40 cars, give or take. The balance of parking and cars should take care of itself.

R. Pickwick asked where the four handicap spaces were? J. Rokeh stated that there is one in front of the Tap, and two down below. The fourth one was located in front of the proposed third building which has since been removed from the plan.

J. Rokeh stated that the plan has 82% lot coverage where 75% is the allowed lot coverage. The main reason why is the gravel drive that runs around the lower building was never a part of the original site plans.. Without the gravel drive, they are easily under 75% lot coverage. On the lot itself, it's 82% but if they add in the adjacent island area that is in the right of way, there is 5,000 square feet more of green space.

S. Whearty stated that she wanted to see what the Board's interpretation of this was. Would the Board consider the property lot lines; would they give the applicant credit for the grass islands because it is contiguous with their lot? The gravel road that is shown exists, and is a violation that has crept up and they are stuck with a situation where this exists and does not meet the regulations. Taking the gravel road out isn't a great solution because it is used by delivery trucks and emergency vehicles.

S. Whearty stated that she recommends they move forward with a variance request from the ZBA for the lot coverage.

MOTION: J. Pike moved that the request to waive Parking and Loading requirements be granted.

Second by R. Pickwick

Vote: 5/0/1 P. Harris abstained for reason being that he is a member of the ZBA

BOARD'S ACTION – TAP PUBLIC HOUSE:

MOTION: M. LeClair 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 (precedent) 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. This action is based on a plan or plan set dated 8/7/2021, revised 9/2/2022.
2. Submit final plans (6 full size, 1 reduced, 1 pdf). Submit one copy for approval prior to submitting all required copies. Make the following corrections to the final plans before submitting:
 - a. Correct the Map and Lot number in the title block – it should be updated to reflect the current map and lot number (122-057-000-000).
 - b. Provide retaining wall construction details.
 - c. Provide the distance from the wall to property line.
 - d. Provide lot coverage calculation. If in excess of 75%, a Variance is required from the Zoning Board.
 - e. Include parking space calculation on plan.
 - f. Show snow storage locations. Add a note to the plan that any excess snow will be hauled off-site and disposed of in accordance with NHDES regulations.
 - g. Provide traffic flow markings and signage.
 - ~~h. Increase "Island" width provide 24' aisle to discourage illegal parking within the state ROW~~
3. Evidence of other agency permits obtained. Building permit, updated DOT driveway permit for all site entrances, if necessary.
4. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of \$20.60.
5. Any restaurant without the hours of 7 AM to 2 PM requires site plan review. ~~Record a Declaration of Restrictive Covenants (paid for by applicant) limiting the hours of any future business at 936 Laconia Road to 7:00am to 2:00pm.~~

P. Brouillard stated that he wants to clarify what the Board meant by this change in condition 5. He understood that this condition applied to any new restaurant, but based on the discussion, he realizes they are talking about the existing tenant. He stated that he is in no position to restrict any tenants' hours. M. LeClair stated that this issue is half of what they had discussed this evening. In the scenario where there is a change of tenant, and now instead of working opposite times, there are two competing businesses. If the York closes and a Mexican or Chinese restaurant comes in operating at the same hours, it's going to cause a traffic problem there. P. Brouillard stated that he would probably tell the perspective tenant that they cannot put that type of business in that spot. M. LeClair said that is what they are trying to get into writing with this. P. Brouillard stated that without talking with the parties involved, he is very uncomfortable making that decision on behalf of his tenants.

Motion failed due to lack of second.

MOTION: J Pike moved to table the application as it stands now, until the meeting of October 24, 2022 to allow P. Brouillard time to get a notarized declaration of their hours from each tenant to be brought back to the Board.

Second by W. Peterson

Vote: All in favor (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – FRANK DALTON CONSTRUCTION LLC:
Request for Five-year Compliance Hearing for earth excavation permit conditions. Property is located at 136 Shaker Road, Tax Lot 242-030-000-000 in the “R” Zone. PB # 2622P.

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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 11/30/2022, subject to extension or waiver.

Second K. Sturgeon

Vote: All in Favor (6-0)

The Chairman read the department response from the Land Use Technician. Site inspected 8/22/2022. Site is stable; minimal area of disturbance. No equipment for screening, washing, or crushing on site. Entrance has cable strung across when not utilized. No concerns at this time.

The chairman opened the public hearing portion of the review.

There being no additional questions or comments the Chairman closed the public hearing.

BOARD’S ACTION – FRANK DALTON CONSTRUCTION LLC

MOTION: R. Pickwick moved that the application be found substantially in compliance with the following items:

1. Conformance with the prior conditions of approval.
2. Operational impacts of the project conform to the description and commitment offered during the prior review process.
3. Required security is in place.

and 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:

1. All existing conditions remain in effect. No amendment was made by this action.
2. Application for the next compliance review hearing shall be submitted to the Board no later than September 1, 2027.

Second K. Sturgeon

Vote: All in Favor (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – DKC REALTY AND DANIEL & KARLENE

CLAIR: Request for Boundary Line Adjustment approval to transfer 0.13 acres from Tax Lot 104-046-000-000 to Tax Lot 104-045-000-000. Properties are located at 62 & 64 Sunset Drive, in the “RS” Zone. PB # 2722P.

Brian Pratt, Civil Engineer with Fuss and O'Neil, and Dan Clair (applicant) addressed the Board. B. Pratt stated that they were proposing a simple Boundary Line Adjustment to transfer 0.13 acres from Lot 104-046 to Lot 104-45. The reason for this request is because Lot 45 has no frontage on Sunset Drive, only on the water. When this BLA is complete, it will have 81.15 feet of frontage. There is a shared driveway with and an existing garage that goes with the house. They are on the agenda for the ZBA in order to obtain a Variance for lot size, because the larger lot (104-046) will be reduced to 0.9 acres where 1 acre is required.

MOTION: M. LeClair move 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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 11/30/2022, subject to extension or waiver.

Second J. Pike

Vote: All in favor (6-0)

The Chairman stated in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.

Second: J. Pike

Vote: All in favor (6-0)

The Chairman opened the public hearing portion of the review.

There being no additional questions or comments the Chairman closed the public hearing.

P. Harris asked S. Whearty what the effects are of reducing the lots size? S. Whearty explained that most of the lots in that area are smaller, Providing clear frontage and access to a property outweighs the lot size in her opinion however the decision must be made by the ZBA.

M. LeClair asked the applicant to explain the driveway. B. Pratt, referenced his plan that showed the existing looped driveway that comes into the shared driveway, that also acts as the driveway on Lot 45, access to the lots will not change.

BOARD'S ACTION – DKC REALTY AND DANIEL & KARLENE CLAIR:

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 (precedent) 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. This action is based on a plan or plan set dated August 2022, received August 17, 2022.
2. Submit final plans (2 mylar, 6 paper, 1 reduced). Submit one copy electronically for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a. All pins/bounds to be set and so certified on final plan.

- b. Final plans to be stamped/signed by a Licensed Land Surveyor.
 - c. Include metes and bounds and pin locations on the existing conditions plan.
 - d. Show extents of the proposed access easement.
 - e. Add statement to the plan: "This plat meets all Zoning and Subdivision Regulations of the Town of Belmont in effect as of the date of filing unless waivers have been requested in writing."
 - f. Add statement to the plan: "The approval of this plat is subject to revocation in compliance with the Belmont Subdivision Regulations and NH RSA 676:4-a."
 - g. State certification is required for Boundary Line Adjustments unless the surveyor certifies on the plan that the proposal is exempt under NH RSA 485-A:33,II.
3. Variance from Article 5 Table 2 required for minimum lot size (application submitted).
 4. Payment of decision recording fees. One check made payable to BCRD for Plan and Notice of Decision recording fee-\$46.60 (\$26 & \$20.60) and second check made payable to BCRD for LCHIP fee \$25.
 5. Conditions precedent shall be completed no later than 9/26/23.
 6. Provide a revised access easement for review by the Town.
 7. Final plans will not be recorded until transferring deed(s) have been approved by the Town and are also signed and ready for recording along with any subordination documents. Proposed transfer deed to be submitted to Town for review and approval prior to signing.
 8. Compliance hearing shall be held by Board as necessary.

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

9. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
10. No changes shall be made to the approved plans unless application is made in writing to the Town.
11. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 9/26/23 unless all conditions are met or an extension is applied for and granted in accordance with the Regulations. Notice to the applicant and/or a public hearing are not required for the Board to determine that a conditional approval has expired. Reapplication in the case of an expired conditional approval requires a new application meeting all applicable regulations.
12. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

Second: W. Peterson

Vote: All in favor (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JOHN O’CONNOR SAND & GRAVEL LLC: Request for Five-year compliance hearing for earth excavation permit conditions. Property is located on Province Road, Tax Lots 204-027-000-000 & 204-029-000-000 in the “C” Zone. PB #2822P.

John O’Connor (applicant) and Peter Howard from DuBois and King were present to speak for the application.

MOTION: K. Sturgeon 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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 11/30/2022, subject to extension or waiver.

Second by J. Pike

Vote: All in Favor (6-0)

S. Whearty stated that during the 2017 compliance hearing, it was determined that the applicant should get on the same schedule as their NHDES AoT permit. Their next compliance hearing was set for 2019. No compliance hearing took place in 2019, so they are in front of the Board now to complete their 5-year compliance hearing.

P. Howard explained that he has been in touch with the Alteration of Terrain Bureau at NHDES and will be submitting the necessary documentation to them this year. He requested the next compliance hearing be set to coincide with the next progress plan due date, which will be in 2027.

The Chairman opened the public hearing portion of the review.

There being no additional questions or comments the Chairman closed the public hearing.

BOARD'S ACTION – JOHN O'CONNOR SAND & GRAVEL LLC:

MOTION: W. Peterson moved that the application was found to be in substantially in compliance with the following items:

1. Conformance with the prior conditions of approval.
2. Operational impacts of the project conform to the description and commitment offered during the prior review process.
3. Required security is in place.

and 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:

4. All existing conditions remain in effect. No amendment was made by this action.
5. Application for the next compliance review hearing shall be submitted to the Board no later than September 1, 2027.

Second: J. Pike

Vote: All in favor (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – JCCO HOLDINGS LLC: Request for Site Plan approval for a Contractor's Yard and Retail Sales. Property is located at 631 Laconia Road, Tax Lot 230-094-000-000 in the "C" Zone. PB #2922P.

MOTION: K. Sturgeon 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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 11/30/2022 subject to extension or waiver.

Second: R. Pickwick

Vote: All in favor (6-0)

The Chairman stated in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.

Second: J. Pike

Vote: All in favor (6-0)

The Chairmen read from the department comments. The only concerns from the Police Department are the bottom of the driveway. The driveway has awkward pitch that creates issues for vehicles pulling trailers. Trailers and trailer hitches seem to grind in asphalt significantly slowing the access of those vehicles into the property, leaving them exposed to the NB travel lane. The Board also received comments from Land Use Staff:

1. SFH is existing use; if not utilized for two years the use will be considered abandoned;
2. Retail sales office and parking should be labeled on plan;
3. All salt or salt/sand areas to be roofed and on impervious surface;
4. Material bins located on south side of driveway to be relocated or removed to maintain 50' front setback;
5. Label snow dump/snow storage areas
6. As this property abuts residential uses, it is important to be mindful of the Town's noise ordinance and utilizing equipment before 7am.
7. Update the Quality Assurance Plan (QAP) with new dates as a majority of the milestone dates have passed.
8. Applicant received a Special Exception from the Zoning Board 5/26/2022 to allow a Contractor's Yard in the Commercial Zone.
9. The gravel drive does not extend all the way in front of all the material bins, which will require driving over green space (near "Baseline A" label on sheet 2), consider extending the gravel drive to reduce driving on grass.
10. Can trucks/equipment maneuver in front of the composing bins without driving over the underdrain?
11. All material bins should be contained within the property setbacks.
12. Residential house can only be used as a single-family residence.
13. Sheet 4 has a duplicate "material bins" callout not pointing to anything.
14. You are showing reclaimed asphalt over the end of the 12" CMP, is this pipe being removed? Abandoned? There are 2 labels for 10" PVC and 1 label for 12" CMP all pointing to the end of the pipe shown under pavement. (Sheet 3)
15. Can vehicles/equipment maneuver in front of the salt/sand bins if there are cars parked in the parking spaces?
16. Can vehicles/equipment turn around at the end of the material bins without driving on the grass? (Sheet 4)

Stormwater Analysis:

1. 3 catch basins are modeled but it is not clear where the catch basins are on the site. If the ponds are just labeled as CB-1, please explain the rationale for including these 3 ponds.
2. Provide a narrative explaining the existing and proposed conditions in regards to stormwater management.
3. 1 plan has been provided but it does not have labels. Provide labeled pre- and post-construction drainage plans.
4. A "15" CMP under drive" has been modeled but it is not clear where this is on the plans.
5. The 12" CMP has not been modeled.

Correct typos, and potentially modeling issues within the stormwater analysis (i.e. 15” round 18” – pg 24).

BOARD’S ACTION –JCCO HOLDINGS LLC:

MOTION: P. Harris moved to table the Public Hearing on the application of JCCO Holdings LLC request for Site Plan approval for a Contractor’s Yard and Retail Sales, located at 631 Laconia Road, Tax Lot 230-094-000-000, to 6pm, October 24, 2022, at this location.

Second: J. Pike

Vote: All in favor (6-0)

OTHER BUSINESS:

MINUTES:

MOTION: J. Pike moved to approve the minutes of 8/22/2022 as written.

Second: K. Sturgeon

Vote: All in favor (6-0)

STAFF REPORT:

Land Use Budget

S. Whearty distributed a proposed Land Use budget for the Board’s review.

MOTION: W. Peterson moved to approve the proposed 2023 budget.

Second: R. Pickwick

Vote: All in favor (6-0)

Zoning Amendment Discussion

S. Whearty stated that she had cut the list down, and she would like the Board to think about which changes the Board would like to put on the warrant for next year. She would like to have solid drafts of what these changes would look like. The Board directed S. Whearty to select a few and have drafts prepared for the next meeting.

Boundary Line Adjustment-Ed Crawford

S. Whearty stated that Winnisquam Marine is proposing a BLA to acquire a portion of Map 224-013-001-000 and merge the adjacent section with each of their existing lots, in order to give each lot frontage. The developer and engineer have asked if the Board would consider waiving the survey of the remainder of the remaining lot. The consensus was that there were concerns about granting a waiver for this, and they were not in favor of this.

Casella

S. Whearty stated that Casella had contributed to an escrow for the installation of a cistern on Industrial Ave as part of an old site plan approval. It has since been determined that the cistern would not be installed, and that the money should be returned to Casella. S. Whearty is requesting approval from the Board to return \$25, 374.64 that is being held in escrow to Casella Waste.

MOTION: J. Pike moved that the Board allow the amount of \$25,374.64 be returned to Casella Waste Systems.

Second: W. Peterson

Vote: All in favor (6-0)

Lakeview Golf Course Subdivision

S. Whearty stated that the engineer for Lakeview Golf Course has contacted her inquiring about the possibility of phasing their project. The consensus of the Board was that they are not in favor of phasing the project.

218-039 – 330 Dutile Road

S. Whearty stated that the owner of this lot wants to accept tractor trailer loads of hay. He would park the trailer on his lot to allow him to sell some of the hay out of the trailer, if he sells it all, he would get more hay every month. The consensus of the Board was that a Site Plan would be required.

Convenient MD (201-029-001-000)

S. Whearty stated that the latest update was that they are having trouble finding people to do the construction. The current proposal is to change the slope and lay down geotextile and install rip rap.

Impact Fees

S. Whearty stated that she was aware that impact fees were voted down several years ago. She asked what the reason was for that. W. Peterson stated it was the legalities of the 6 years to use it. S. Whearty stated that one part of impact fees is to offset school costs. Impact fees can be as intense or as basic as they would like them to be. Utilizing impact fees to help combat the school cost is an area that Belmont is not tapping into. The consensus of the Board was that they are not in favor of revisiting impact fees.

Master Plan

S. Whearty stated that the Master Plan is huge undertaking. The last planner did not have time to work on this in 17 years. How does the Board feel about a 3rd party working on the Master Plan versus Staff? Her concern with only working on a section at a time is, once they get through the whole plan, it will be time to start all over again. If a 3rd party comes in, there will still be community involvement, and Staff would still be involved, the 3rd party would just be taking the lead and pushing a schedule. It was the consensus of the Board that S. Whearty work with LRPC to find out what other towns are doing and how much it will cost.

ADJOURNMENT:

MOTION: On a motion by J. Pickwick, seconded by K. Sturgeon, it was voted unanimously to adjourn at 9:05 p.m. (6-0)

Respectfully submitted:

Susan M. Austin
Land Use Clerk