



PLANNING BOARD TOWN OF BELMONT, NH

Monday, March 28, 2022
Belmont Mill, Tioga Room and Zoom
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Michael LeClair, Kevin Sturgeon, Richard Pickwick, and Jon Pike, Ex-Officio; Alternate Members Dennis Grimes and Rick Segalini, Jr.
Absent: Member Gary Grant.
Staff: Sarah Whearty, Colleen Akerman, and Craig Clairmont.
Zoom: None.

The Chairman opened the meeting at 6:02 pm and welcomed those in attendance. He said anyone experiencing difficulties with Zoom should call 603-267-8300 ext. 101.

D. Grimes was appointed as a voting member.

The Chairman thanked W. Peterson and M. LeClair for running for the Planning Board again.

- 1. Public Hearing – Matthew & Heather Gault:** Continuation of a request for Site Plan approval for Contractor's Yards, storage of equipment trailers, aluminum frames, and pressure treated lumber. Property is located at 682 Laconia Road, Tax Lot 230-043-000-000 in the "C" Zone. PB #0822P.

S. Whearty informed the Board that the applicant has requested a continuance until the April meeting in order to provide sufficient time for them to respond to Staff concerns.

MOTION: W. Peterson moved to table the public hearing on the application of Matthew Gault for Site Plan approval for Contractor's Yards, storage of equipment trailers, aluminum frames and pressure treated lumber at 682 Laconia Road, Tax Lot 230-043-000-000, to 6pm, April 25, 2022 at this location, based on the applicant's request.

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

- 2. Public Hearing – Route 106 Realty Trust:** Continuation of a request for:
 - a. Site Plan approval for a Contractor's Yard (limo service). PB #0522P.
 - b. Conditional Use Permit for a subordinate dwelling unit. PB #1422P.Property is located on Laconia Road, Tax Lot 217-108-000-000 in the "C" Zone.

The Chairman opened the public hearing.

Mr. Jon Rokeh was present for this application.

The Chairman stated there are waiver requests with regard to the merits of the application.

He said departmental responses were “no response” or “no concerns” except the Building Inspector noted he will “require stamped plans by a registered design professional (RDP)”.

Mr. Rokeh explained that he had asked for the Quality Assurance Plan waiver because this is a smaller site. S. Whearty stated it is easier to access the notes about this on the plan.

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

- i. Quality Assurance Plan (QAP) (Site Plan Section 5.E.6) because Staff does not require a formal plan provided that information on the inspection and maintenance of stormwater features be included on the plan set for inspection and maintenance schedules.
- ii. Soils Map and Report (Site Plan Section 5.D.3) because this is a small commercial site that was previously developed and test pit data is required separately for the proposed septic system and stormwater features.

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

The Chairman asked about the discussion items from the Staff Report. Mr. Rokeh said he has turned in the lighting plans.

S. Whearty said she updated the Staff Report since the last meeting and removed the items that were addressed. Others were left on the report. Test pits have not been completed and that is noted on the report. The pits should not be waived, but this item should not hold up approval. It could be addressed at the Staff level because drainage structures won't change elevations, building size, or other design features of the site.

J. Pike remarked that the site previously had a mobile home and employees using the septic. Mr. Rokeh stated that at the end of the lot there is a swale and he has made a drainage pond. A test pit is needed to see if the drainage pond will work as designed. Changes will be made as needed.

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

J. Pike asked about the subordinate dwelling unit. S. Whearty said it was included on the application but was not shown on the plan. Mr. Rokeh explained it will be included within the interior layout of the unit and will be part of the building application.

Board's Action – Route 106 Realty Trust:

MOTION: J. Pike moved to grant a Conditional Use Permit for a subordinate dwelling unit.

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

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 dated 12/10/21.
2. Submit test pit data for the proposed detention basin.
3. Submit calculations for stormwater BMPs – riprap swale, ditchline, and infiltration pond.
4. The NHDES Stormwater Manual requires 1 foot of freeboard for the 50-year storm. The proposed detention pond overtops by more than a foot during the 50-year storm. The design should be reevaluated to meet NHDES requirements.
5. Submit final plans (6 paper, 1 reduced, 1 pdf). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a. Test pit location(s) should be shown on the plan.
 - b. The note on sheet 3 says to see the existing conditions plan for plan references but no plan references have been included on the existing conditions plan.
 - c. Plans shall be signed and sealed by a Licensed Land Surveyor.
 - d. The equipment and survey method used and the error of closure shall be stated on the plan.
 - e. Show existing pins/monuments on the plan.
 - f. 911 address should be included on final plan for the new commercial use as approved by the Fire Department.
 - g. Add BMP inspection schedule to Erosion Control Plan. Clearly identify who is responsible for inspections and maintenance.
 - h. Show time of concentration flow path on pre/post development stormwater plans.
 - i. Maintenance and inspection requirements for permanent water quality measures and who is responsible for said maintenance and inspections should be clearly identified. This information should be included on the plan. The maintenance notes on sheet 7 are vague and should include specific information about the maintenance and inspection schedule.
6. Payment of decision recording fee. Check made payable to BCRD in the amount TBD.
7. Evidence of other agency permits obtained.
 - a. NH DOT (already received).
 - b. Belmont ZBA Special Exception. Special Exception is required from the Zoning Board for a Contractor's Yard in the Commercial Zone.
8. Applicant shall sign and return copy of Town's Inspection Schedule. (Schedule will be available once final plans are submitted.)
9. Security (reclamation): Prior to any site work security shall be provided for closure in case of abandonment. Applicant shall submit engineer's cost estimate of closure costs to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an amount to be set by Town based upon engineer's estimate.
10. Conditions precedent shall be completed no later than 3/28/23. Active and Substantial development of the approved improvements shall occur no later than 3/28/24 and improvements shall be substantially completed by 3/28/27.
11. Compliance hearing shall be held by Board as necessary.

APPLICANT SHALL TAKE SPECIAL NOTICE: NO USE/WORK MAY COMMENCE UNTIL ALL PRE-CONDITIONS ABOVE HAVE BEEN SATISFIED. CONTACT THE LAND USE OFFICE WITH ANY QUESTIONS. COMMENCING WORK OR USE PRIOR TO TOWN

AUTHORIZATION SUBJECTS THIS APPROVAL TO REVOCATION, OTHER ENFORCEMENT ACTION AND DAILY FINES.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

12. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any. If deemed necessary, the escrow shall be established before construction begins.
13. Submission of building plans, approved by Building Inspector & Fire Department.
14. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations. All system designs required by the Fire Department shall be submitted under stamp of the appropriate professional.
15. Underground utilities (telephone, electric, etc.) required from the ROW.
16. Shall erect orange construction fencing around entire perimeter of area to be disturbed and wetland flagging shall be maintained. No encroachments into the fenced area or beyond the fence barrier is permitted without prior approval of the Town, and NH DES as applicable, in conjunction with review by project engineer.
17. A copy of the Town's Inspection Schedule shall be provided to the site contractor(s) prior to work commencing. Obtain successful milestone observations from Land Use Staff as listed on Land Use Inspection form and additionally and separately, all required inspections by the Building Official, Fire Department, and NH DOT.

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

18. Approved uses include: a Contractor's Yard (limo service) (Special Exception required) and a Conditional Use Permit for a subordinate dwelling unit.
19. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements. Plans shall be reproducible in black/white, e.g. through the use of differentiating graphics (pre/post contours dashed/solid), identifying notes, etc.
20. Temporary erosion control measures shall be removed or the cost of the removal shall be secured in escrow prior to Certificate of Occupancy.
21. Sewer approval shall be obtained for each new use or expansion of use.
22. The property owner shall be responsible to inspect, maintain and make immediate repairs to stormwater management features to assure they function in the manner intended and protect water quality.
23. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
24. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
25. All exterior lighting shall be downcast and shielded from abutters and traffic.
26. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
27. No changes shall be made to the approved plans unless application is made in writing to the Town.
28. The Planning Board shall have the power to modify or amend its approval upon its own

- motion to do so.
29. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 3/28/23 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.
 30. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
 31. Operational conditions of the Town and other agencies shall be met.

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

3. Public Hearing – Route 106 Realty Trust: Continuation of a request for:

- a. Site Plan approval for Contractor’s Yard, commercial building (motor vehicle & trailer service, professional offices, light manufacturing, retail stores and service business). PB # 0622P.
- b. Conditional Use Permit for a subordinate dwelling unit. PB #1522P.

Property is located on Laconia Road & 28 Corriveau Way, Tax Lot 217-114-000-000 in the “C” Zone.

The Chairman opened the public hearing.

Mr. Jon Rokeh was present for this application.

Mr. Rokeh explained that last month they had just found out there was an issue with the driveway permit but they now have their State of New Hampshire driveway permit. Lighting and building plans have been submitted. There will be downcast lighting. The waivers are the same as for the last site; for soils and QAP. The sites are about the same size. Construction sequencing will be on the plans. There is no test pit data yet for this site. They will need to do that for the pond and the septic. There was an existing septic so it should be fine, but they will need to dig the test pit.

S. Whearty shared that this site is different from the previous site and it is recommended that this application be continued because the septic location is shown under the parking area. Depending on the elevation, it could change the elevation of the parking and where drainage is going. It is essential to the design of the site and it should not be Staff’s determination if it is okay or not.

Mr. Rokeh said the site is being raised up. The septic for the previous manufactured home was below grade from what exists there now. If there is an issue, they will raise the site up coming off of Route 106 into the site a little bit. No matter what happens with septic or test pits, Mr. Mitchell can bring in material. The only limiting factor is if they hit water.

M. LeClair acknowledged that Staff needs to be supported and he thinks this case should be continued based on their recommendation.

Craig Clairmont, Department of Public Works (DPW) Director, commented that at the ARC meeting, it was discussed that there would be limited use of Corriveau Way. He asked for clarification on the definition of “limited use”. Mr. Rokeh stated it will only be used for emergency access. C. Clairmont wanted the Board to know that Corriveau Way would be gated off.

K. Sturgeon asked about trees on the site. Mr. Rokeh answered that they will save what trees they can. K. Sturgeon asked if they will be on the plan at some point.

S. Whearty reminded the Board that this application also has a Conditional Use Permit for the subordinate dwelling unit.

Mr. Rokeh displayed images of the building style Mr. Mitchell wants to use at this location.

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

MOTION: M. LeClair moved to table the public hearing on the application of Route 106 Realty Trust approval for Contractor's Yard, commercial building (motor vehicle & trailer service, professional offices, light manufacturing, retail stores and service business), and a Conditional Use Permit for a subordinate dwelling unit located on Laconia Road & 28 Corriveau Way, Tax Lot 217-114-000-000, to 6pm, April 25, 2022, at this location, due to outstanding design items.

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

4. Public Hearing – Vault Motor Storage: Continuation of a request for:

- a. Site Plan approval for a 2-story, self-storage facility with an accessory structure. PB # 0922P.
- b. Conditional Use Permit for lot coverage. PB #1622P.

Property is located at 1213 Laconia Road, Tax Lot 241-006-000-000 in the "T" Zone.

The Chairman opened the public hearing.

Mr. Jon Rokeh was present for this application.

The Chairman stated there are waiver requests with regards to the completeness of the application for Quality Assurance, Aquifer Plan and Waste Storage and Collection.

Mr. Rokeh said that an Alteration of Terrain (AoT) permit is needed for this site and it has protections and sequencing. There is no dumpster provided for the facility. The drainage is closed going to the pond and will be treated before it is released.

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

- i. Quality Assurance Plan (Site Plan Section 5.E.6).

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

There was discussion about the Aquifer waiver. K. Sturgeon remarked that he did not see the line for the Aquifer Protection District (APD) on the plan. Mr. Rokeh said he believes the whole site is in the Aquifer. S. Whearty thought only the front half of the lot, where the building is proposed, was in the Aquifer.

K. Sturgeon asked about the ledge and any blasting that will be done. Mr. Rokeh confirmed that the AoT permit should have included blasting, but the wrong box was checked on the application. K. Sturgeon asked how much blasting will be needed. Mr. Rokeh said it will not be substantial. He conferred with Mr. Bill Nutter who stated there are between 23,000 and 30,000 yards to be blasted. K. Sturgeon is concerned about where the Aquifer line is. S. Whearty stated the front half of the lot is in the Aquifer Protection District, and a suggested condition is that the APD line be shown on the plan. W. Peterson asked how close the ledge is at the front of the lot. Mr. Rokeh indicated the location on the plan and said the black section shows fill, and the vertical face is on the side closest to the existing Vault building. There are trees and the “scrubby stuff” has ledge. Mr. Rokeh explained that the building is two stories and you will be able to drive in to the second story from the back, so there will not be as much blasting for the back. W. Peterson had concerns about the ledge and the Aquifer. K. Sturgeon asked for confirmation that there was no chance of blasting directly affecting the Aquifer. Mr. Rokeh stated no, there should not be. K. Sturgeon reiterated his concern for the Aquifer and wanted to be sure that it was addressed.

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

- ii. Aquifer Plan (Site Plan Section 5.D.3) because there should be no fueling or storage of fuels or other chemicals on site.

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

W. Peterson requested verification that there is no waste at the facility. S. Whearty replied that it is the same request as for the other facility. Mr. Rokeh said the Vault’s office work is mostly done remotely. There is only one employee and there are not people coming and going and signing in.

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

- iii. Waste Storage and Collection (Site Plan Section 9.H) because operations should not generate waste.

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

MOTION: W. Peterson moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted in a timely manner to complete review and act on the application. The Board shall act on this proposal by 6/1/22 subject to extension or waiver.

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

The Chairman stated the following definition will be used to determine if the applications before the Board tonight have a regional impact. He explained that 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: J. Pike moved that the proposal does not have a potential regional impact.

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

The Chairman noted the Departmental Responses. The Fire Department commented that “This building, due to the size, will have to be sprinklered along with fire detection and if that is needed it will also need a Knox box”. Land Use Technician comments were incorporated into the conditions.

Mr. Rokeh observed that the Board could grant the QAP waiver request because of the AoT permit, but if it is denied they will put another QAP in place. He has been working on Nutter’s QAP and has the format pulled together. J. Pike asserted they should have a QAP so as to not set a precedent.

MOTION: K. Sturgeon moved to deny the following waiver request related to the merits of the application:

- i. Quality Assurance Plan (Site Plan Section 5.E.6) because there is substantial development within the Aquifer Protection District.

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

Mr. Rokeh reported that since the last meeting lighting plans and final building plans have been submitted. He said Mr. Morgan has a beautiful rendering of the building but was unable to make it this evening.

D. Grimes asked what is happening with the existing house and what will it be used for. Mr. Rokeh said he believes Mr. Morgan will be renting it. D. Grimes asked if there are any issues because this is a commercial plan. Mr. Rokeh responded that they will be requesting a variance. S. Whearty interjected that she has revised her comments. After further review, it was determined that this use does not need a variance because the pre-existing non-conforming use is not being expanded or changed, therefore it can stay. K. Sturgeon commented it is “grandfathered”.

J. Rokeh noted they have received AoT comments and are working through those. He hopes to have the permit in a few weeks.

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

Board’s Action – Vault Motor Storage:

MOTION: W. Peterson moved to grant a Conditional Use Permit for coverage in excess of 2,500sf or 15% of the lot (60,192sf), proposed coverage is approximately 162,478.8sf (39%), for Tax Lot 241-006-000-000 which is within the Aquifer & Groundwater Protection Zone.

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

MOTION: K. Sturgeon 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 dated 12/10/21.
2. Provide test pit data to support the construction of an infiltration basin 60” deep. The provided test pit in the vicinity of the proposed infiltration basin is 40” however, the bottom of the proposed pond is 60” deep. No information has been provided to support that no ledge will be encountered in the location of the proposed basin at 60”.
3. A drainage easement from Tax Lot 246-001-000-000 is required for the stormwater being directed onto their property. A copy of the recorded easement should be submitted to the Town. Or the drainage should be altered to keep all discharge on Tax Lot 241-006-000-000.
4. Submit a Quality Assurance Program or add related notes to the plan set.
5. Submit final plans (6 paper, 1 reduced, 2 mylars of sheet 2 only, 1 pdf). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a. Show the APD line on the plan.
 - b. Remove the reference to a Variance in note 4 on sheet 3.
 - c. Provide a note certifying adequate sight distance.
 - d. Provide a note defining the proposed use of the existing SFR.
 - e. Change label from NH Route 106 to Laconia Road on sheet 3.
 - f. 911 address should be included on final plan for all business uses as approved by the Fire Department.
 - g. Provide a boundary survey plan suitable for recording. There is no existing plan of record for this site so Staff is recommending that the survey be recorded. (Site Plan Regulations Section 6.D)
 - h. Add to note 21 on sheet 3 “Temporary erosion control measures shall remain in place until the site is stabilized. If CO is requested prior to stabilization, the cost to remove the temporary erosion control measures shall be secured in escrow with the Town until the site is stabilized and the temporary erosion control measures have been removed.”
 - i. Add a note that sign location shall comply with applicable Town regulations and that a permit shall be obtained.
 - j. Fix note 10 on sheet 13.
 - k. Provide estimated length of time to construct including description of active and substantial development to occur within 12 months, description of phasing, and description of further development.
 - l. Add a note that the top of the slope shall be fenced.
6. Payment of decision recording fee. Check made payable to BCRD in the amount TBD (NOD+Mylar).
7. Evidence of other agency conditions achieved.
 - a. NH DES Site Specific
 - b. Belmont curb cut
 - c. Selectmen’s permit to work in ROW
 - d. EPA NPDES notification.
8. Successful annual aquifer inspections required.
9. Applicant shall sign and return copy of Town’s Inspection Schedule. (Schedule will be available once final plans are submitted.)

10. Security (reclamation): Prior to any site work security shall be provided for closure in case of abandonment. Applicant shall submit engineer's cost estimate of closure costs to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an amount to be set by Town based upon engineer's estimate.
11. Conditions precedent shall be completed no later than 3/28/23. Active and Substantial development of the approved improvements shall occur no later than 3/28/24 and improvements shall be substantially completed by 3/28/27.
12. Compliance hearing shall be held by Board as necessary.

APPLICANT SHALL TAKE SPECIAL NOTICE: NO USE/WORK MAY COMMENCE UNTIL ALL PRE-CONDITIONS ABOVE HAVE BEEN SATISFIED. CONTACT THE LAND USE OFFICE WITH ANY QUESTIONS. COMMENCING WORK OR USE PRIOR TO TOWN AUTHORIZATION SUBJECTS THIS APPROVAL TO REVOCATION, OTHER ENFORCEMENT ACTION AND DAILY FINES.

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

13. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any. If deemed necessary, the escrow shall be established before construction begins.
14. Submit a copy of the SWPPP and identify who will be completing the inspection. The responsible professional shall be especially vigilant at the pond outlet.
15. Submission of building plans, approved by Building Inspector & Fire Department.
16. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations. All system designs required by the Fire Department shall be submitted under stamp of the appropriate professional.
17. Underground utilities (telephone, electric, etc.) required from the ROW.
18. Shall erect orange construction fencing around entire perimeter of area to be disturbed and wetland flagging shall be maintained. No encroachments into the fenced area or beyond the fence barrier is permitted without prior approval of the Town, and NH DES as applicable, in conjunction with review by project engineer.
19. A copy of the Town's Inspection Schedule shall be provided to the site contractor(s) prior to work commencing. Obtain successful milestone observations from Land Use Staff as listed on Land Use Inspection form and additionally and separately, all required inspections by the Building Official, Fire Department, and NH DOT.

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

20. Approved uses include: 2-story heated storage facility. Warehousing-interior storage of vehicles, recreational and off-road vehicles, trailers, and watercraft storage (not self-storage).
21. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements. Plans shall be reproducible in black/white, e.g. through the use of differentiating graphics (pre/post contours dashed/solid), identifying notes, etc.
22. Temporary erosion control measures shall remain in place until the site is stabilized. If CO

- is requested prior to stabilization, the cost to remove the temporary erosion control measures shall be secured in escrow with the Town until the site is stabilized and the temporary erosion control measures have been removed.
23. Sewer approval shall be obtained for each new use or expansion of use.
 24. No fueling or storage of fuels or other chemicals on site during or after construction.
 25. The property owner shall be responsible to inspect, maintain and make immediate repairs to stormwater management features to assure they function in the manner intended and protect water quality.
 26. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
 27. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
 28. All exterior lighting shall be downcast and shielded from abutters and traffic.
 29. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
 30. No changes shall be made to the approved plans unless application is made in writing to the Town.
 31. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
 32. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 3/28/23 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.
 33. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
 34. Operational conditions of the Town and other agencies shall be met.

D. Grimes asked about condition #27: no fueling or storage of fuels or other chemicals. His concern is that this is for boat storage and RVs. S. Whearty clarified that the condition applies during construction.

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

Mr. Morgan arrived with his rendering of the site, which he displayed for the Board.

- 5. Plan Submission Meeting and Public Hearing – Gilmanton Sand & Gravel:** Request for Earth Excavation approval for a new quarry. Property is located at 28 Stone Road, Tax Lot 245-001-000-000 in the “I” Zone. PB #1022P.

Mr. Jon Rokeh and Mr. Bill Nutter were present for this application.

Mr. Rokeh announced that they wanted to talk to the Board before they do this. They don't want to do a waiver for the Stormwater or QAP. They did not submit them soon enough for the Staff Report, but they are completed. They are going to do the Soils Report. They know there are things that need to be completed but everything listed is not comprehensive. He wants to discuss the application to find out if there are any studies the Board is looking for, such as hydrogeology. This is an existing gravel pit with

a quarry next to it. They are looking at it as expanding the existing permit; it is not really a new application. R. Segalini asked if they are adjusting the floor of the quarry. Mr. Rokeh answered no. The existing quarry is not being expanded but the new quarry area will use all the existing infrastructure that is in place.

The Chairman stated there are no waiver requests for the completeness of the application.

S. Whearty established that Staff recommended a Design Review for this project in order to open the discussion on other studies, etc. It is not appropriate to discuss the merits of the application at this time.

There was discussion about what a Design Review is and whether approval could be granted through a Design Review. S. Whearty confirmed that there could be no approval from a Design Review. It is a less formal non-binding type of hearing that would allow back and forth between the Board and the applicant. What is most important is that it is noticed for abutters. S. Whearty acknowledged that abutters were noticed for this application, which is not complete. Waiver requests could have been done for completeness only to open the discussion. There has been a heavy workload recently and when many items are submitted on the last day of the deadline, they are difficult to process.

Mr. Rokeh asked if they could have an informal discussion at the end of this meeting. W. Peterson said an informal discussion would be appropriate.

Mr. Rokeh asked that this application be tabled to the next meeting and he will make sure they have everything. They are almost ready for the AoT and Soils Report. P. Harris commented that they aren't looking for a lot of waivers. Mr. Rokeh agreed and said they feel like they will be in compliance. The existing pit is already there and will operate the same.

MOTION: W. Peterson moved that the application is not complete for the following reasons:

Multiple completeness items are missing for which waivers have not been requested, including, but not limited to, Soils Map and Report, Stormwater Management Report and Quality Assurance Plan. Resubmission is subject to review by the Land Use staff for completeness. This application will be tabled until April 25, 2022 to give the applicant time to submit additional required information.

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

6. Public Hearing – Paul Zuzgo for Raed Hertel Family Trust: Continuation of a 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. **(WITHDRAWN)**

MOTION: W. Peterson moved to accept the applicant's withdrawal request for the application received by the Planning Board to subdivide one lot into four, Case #0122P. This file will be closed.

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

7. Plan Submission Meeting and Public Hearing – Paul Zuzgo for Raed Hertel Family Trust:
Request for Subdivision Plan approval to subdivide one lot into seven. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the “RS” Zone. PB #1122P.

Mr. Van Hertel was present for this application.

The Chairman noted this lot has quite a bit of history and there are multiple waiver requests for the completeness of the application.

P. Harris asked Mr. Hertel why he was requesting the waivers. Mr. Hertel said some of his reasons are on his application but they had been granted previously. S. Whearty responded that this is a new application and all waivers need to be requested for the new application.

Mr. Hertel said there are no new roads. Each of the lots is large. There is minimal disturbance for the houses and driveways and there is no septic. There are 60 acres for 7 parcels.

S. Whearty informed the Board that some of these waiver items are for completeness only. It is suggested that they be granted for completeness only so that Mr. Hertel can be provided feedback in a public hearing. In the waivers for the merits of the application, the Board will see that Staff does not fully support granting them. There are some components that need clarification, but we need a way to get there.

R. Pickwick stated he does not agree with shared driveways for the lots. P. Harris stated the first waiver request has support from Staff. W. Peterson verified that waiver “d” was withdrawn. S. Whearty said yes, but you will see it again. It was only withdrawn a week ago and there was not time to redo everything.

W. Peterson said if we deny the filing fee waiver, there can’t be completeness. J. Pike asked how we can discuss this if it is not complete. S. Whearty explained that she struggled with this Staff Report and spoke to Mr. Hertel saying she didn’t think it would work, but he had already booked his flight. It was suggested to revisit some of the discussion under new business rather than trying to force this application open.

W. Peterson said it should be tabled until we have all of the information. D. Grimes asked if the Board can give input so Mr. Hertel can complete his application. S. Whearty stated yes, but not at this time.

MOTION: K. Sturgeon moved to table this application to the May meeting.

S. Whearty observed that it would be helpful for Mr. Hertel to be provided some guidance and get some feedback for completing his application.

K. Sturgeon withdrew his motion to table the application to the May meeting.

Mr. Hertel expressed confusion about what he needs to improve for his application to be complete.

MOTION: J. Pike moved to deny the following waiver request for completeness only:

- a. Stormwater Management Plan (Subdivision Section 5.D.6)

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

The Board discussed the second waiver request for topography and there were concerns about future expansions and joint driveways. M LeClair recommended going back to ARC. Mr. Hertel said sewerage didn't even come up at that meeting, but now there is a problem with sewerage.

S. Whearty stated this cannot be discussed at this time. S. Whearty said she recommended that Mr. Hertel come to the Board for a Design Review. M LeClair again recommended ARC. S. Whearty commented that this is not really what ARC is for. There are things Staff does not have the authority to grant.

The Board decided to not vote on waiver "b" for Topography and suggested tabling the application to a date certain. It was suggested by S. Whearty that a decision be made on waiver "c" for fees prior to tabling the application.

MOTION: M. LeClair moved to deny the waiver for \$500 filing fees because each application takes time to process and review. The filing fee was waived for the 5-lot proposal and the 4-lot proposal. This is the applicant's 4th application for a subdivision of this parcel.

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

MOTION: J. Pike moved to table the public hearing on the application of the Raed Hertel Family Trust request for subdivision approval to subdivide one lot into seven, located on Jamestown Road, Tax Lot 118-016-000-000, to 6pm, May 23, 2022, at this location.

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

8. OTHER BUSINESS:

A. Approval of Minutes 02/28/2022:

MOTION: J. Pike moved to approve the minutes of February 28, 2022 as written.

The motion was seconded by K. Sturgeon and carried. (6-0-1) W. Peterson abstained.

B. Elections:

MOTION: J. Pike moved to elect Peter Harris as Chairman, and Ward Peterson as Vice Chairman of the Planning Board.

The motion was seconded by K. Sturgeon and carried. (5-0-2) P. Harris and W. Peterson abstained.

P. Harris said he and the Vice Chairman would like to ease some of the burden of requirements for Staff. Some were already approved this year but they want to discuss more later in the year when the agenda is not as full.

The Board agreed to discuss new business prior to hearing the Staff Report.

D. New Business:**Applications and Application Components:**

The Board discussed earth excavation applications with regards to expansions and new pit areas. An existing pit that opens a new area but uses the same access, haul roads, well monitoring of neighboring properties, and blast notifications to neighbors would generally be considered an expansion of the existing area and not a new pit.

Mr. Rokeh asked if the Board requires any additional studies with an expansion of an existing earth excavation site. There was conversation about the hydrogeological effects of vertical expansion (depth) compared to horizontal expansion across a property. J. Pike said there is a big difference when the expansion is going down into the ground. The Board did not believe they would require any additional studies for an expansion, such as a hydrogeological study.

Mr. Hertel had questions about subdivision applications. He asked about sewerage requirements and driveways. S. Whearty stated a sewer design is required in order to determine the required security until the improvements are constructed or secured. There was conversation about the differences between subdividing property and developing property. M. LeClair stated the Board would not want to set any precedents with regards to shared driveways. Mr. Hertel asked if the developer of a subdivision could be responsible for designing any required sewerage rather than the subdivider. W. Peterson stated that the Board has never granted waivers for sewer design or completing or securing improvements prior to the plan being recorded. J. Pike commented that a sewer designer would need to know about future plans for any large lots in the event that there may be additional subdivisions. It could be very expensive to design. The Board has to protect the public with whatever will happen with a property because they need to look ahead. D. Grimes asked about private sewer, which he has seen in other communities, which prevent the need to dig up a road to install the sewer lines. C. Clairmont indicated that private sewer is not permitted by Town regulations.

M. LeClair asked if anyone from the public had questions. Mr. Brent Phillips of Silver Lake Campground replied that his questions had been addressed and he is pleased with the Board's responses.

Mr. Hertel thanked the Board for their discussion and informed them that he may consider a two-lot subdivision instead of a seven-lot subdivision.

Ms. Sharon Ciampi of Jamestown Road informed the Board that she has been to five meetings for the subdivision on Jamestown Road. She has sewer and suggested a subdivision at that location could install sewer on a private interior road. C. Clairmont asserted that would be considered a private sewer which is not allowed by Town regulations.

S. Whearty briefed the Board on problems with incoming applications. She described the challenges of getting accurate information (for the packets) sent out when applicants are submitting waiver requests and other information the day that packets are going out, even as late as the day of the meeting. It is to Staff's advantage to process as much as possible so that applications do not need to be reprocessed. However, re-doing things like Staff Reports takes a lot of time and is stressful.

M. LeClair said he thinks it is okay to tell an applicant that they are not ready to go before the Board. S. Whearty said Staff is trying to refine processes in the office but having a large number of applications submitted at the last minute on the deadline date does not leave enough time to properly review the information and generate comprehensive Staff Reports. M. LeClair says applicants have to

understand. Everyone is having staffing shortages right now. R. Segalini asked if the submission deadline needs to be moved back. S. Whearty said no. The Board encouraged Staff to say no to applicants when necessary. R. Segalini said the Board will stand behind Staff. P. Harris said it would be doing applicants a favor. M. LeClair said it should be “one and done”. S. Whearty assured the Board that Staff will not let applications snowball.

C. Staff Report

1. ConvenientMD – 77 Daniel Webster Highway – Tax Lot 201-029-001-000:

S. Whearty reported that R. Ball contacted them and they would like to wait until the growing season to see if vegetation would take and they could come in June. The Board needs to make a formal motion to bring them in for a hearing. M. LeClair said the problem is happening now. D. Grimes agreed it is in bad condition. They should come in before the growing season starts. R. Pickwick remarked if we wait for growing season, it will be another year of problems. M. LeClair concluded that they sold the Board an idea that did not work.

MOTION: K. Sturgeon moved that ConvenientMD be required to attend a compliance hearing on April 25, 2022.

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

2. Aranasian Oil Co. – 93 Daniel Webster Highway – Tax Lot 201-093-000-000:

S. Whearty presented a parking and access easement for the Board’s review. R. Segalini asked why it is being presented to the Board. S. Whearty explained that it was a condition of their site plan approval. M. LeClair stated it was because the Board wanted to ensure that it was completed, and the Board didn’t want the properties to change hands and need a new agreement.

All NHDOT comments have been addressed and offsite improvement plans have been finalized.

MOTION: M. LeClair moved to accept the parking and access easement for Aranasian Oil Co. at 93 Daniel Webster Highway.

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

3. Land Use Technician Update:

S. Whearty updated the Board and let them know that an employment offer was made and accepted for the Land Use Technician position. P. Harris, W. Peterson, J. Pike and S. Whearty met with the candidate. The new Land Use Technician will be starting work in one week.

4. Lot Merger – Route 106 Realty Trust – Tax Lots 205-052-000-000 & 205-054-000-000:

S. Whearty presented a request for a lot merger for Route 106 Realty Trust to meet the conditions of their Site Plan approval. The lots are currently vacant and are located right at the town line. One of the subject lots was a former junkyard.

MOTION: Based on a finding that no Ordinance or Regulation violation will result, W. Peterson moved that the Planning Board approve the merger of Tax Lots 205-052-000-000 and 205-054-000-000.

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

Adjournment:

MOTION: D. Grimes moved to adjourn at 8:41 pm.

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

Respectfully submitted:

Colleen Akerman
Building & Land Use Clerk