

DRAFT



PLANNING BOARD TOWN OF BELMONT, NH

Monday, May 22, 2023
Belmont Mill, and Zoom
Belmont, NH 03220

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

Absent: None

Zoom: Corina Cisneros, Mark Brown Jr. and Mackenzie Byers

Staff: Karen Santoro, Town Planner and Susan Austin, Land Use Assistant

Chairman Harris opened the meeting at 6:00 pm and welcomed those in attendance. 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.

Chairman Harris asked that everyone be respectful to each other and the Board members, and to please direct all questions and comments to the Board. The public will be allowed the opportunity to address the Board during the public hearing.

Plan Submission Meeting and Public Hearing: IDH Realty LLC and C&R Realty Trust: Request for a Site Plan approval to replace heavy equipment sales with automotive sales. Property is located at Laconia Road and 140 Laconia Road, Tax Lots 205-001-000-000 and 210-005-000-000, in the Commercial Zone. Planning Board case #06-23P

Clay Dunn was present to discuss his application. He stated that his original approval was for a 13 car lot from 1995. He then changed his site plan in 2019 to focus on heavy equipment. He would like to go back to cars, but he would like to have approval for 22 cars total. He plans to have 14 cars on the upper portion of the lot, and 8 on the lower portion.

J. Pike noted that the definition of motor vehicle sales and services includes gas stations. He stated that he would like it noted that it's not approved for a gas station.

MOTION: R. Pickwick 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 8/30/2023 subject to extension or waiver.

G. Grant seconded the motion.

Vote: All in favor, motion carried (7-0)

DEVELOPMENT OF REGIONAL IMPACT

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

J. Pike seconded the motion.

Vote: All in favor, motion carried. (7-0)

MOTION: W. Peterson moved to waive Section 5. D. 3 of the Site Plan Review Regulations, Site Specific Soils map, because there are no changes proposed in regard to site work.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried (7/0)

MOTION: W. Peterson moved to waive Section 5. D. 4 of the Site Plan Review Regulations, Utilities/Fire Protection Plan, because there are no changes proposed to any structures on the property.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried (7/0)

Departmental Responses:

Assessing: No concerns

NH DOT: District 3 has no opposition to the car sales as long as the fence remains in place as a boundary.

Land Use Tech: Primary & Satellite Sales lots must be owned by the same owner. Although two separate trusts own these two lots, Mr. Dunn is a Trustee of both. Staff suggests setting a limit of motor vehicles permitted to be displayed on the satellite lot. If necessary, Town may request NH DOT to erect “no parking” signs along Route 106 frontage.

Chairman Harris asked if there were any public comments. There were none.

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 December 21, 2018, revised to March 29, 2019.

2. Submit final plans (6 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a) Amend plan to remove note regarding use restricted to heavy equipment.
3. Payment of decision recording fee. Check made payable to BCRD, in the amount of \$20.60, to record Notice of Decision.
4. Conditions precedent shall be completed no later than 5/22/24. Active and Substantial development of the approved improvements shall occur no later than 5/22/23 and improvements shall be substantially completed by 5/22/27.
5. 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, AND OTHER ENFORCEMENT ACTION AND DAILY FINES.

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

6. Approved uses with this application include: Primary and Satellite sales lot for automobiles.
7. Successful annual aquifer inspections required.
8. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
9. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
10. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
11. No changes shall be made to the approved plans unless application is made in writing to the Town.
12. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
13. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 5/22/24 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.
14. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
15. Operational conditions of the Town and other agencies shall be met.
16. Note that this site is not approved as a gas station.

G. Grant seconded the motion

Vote: All in favor, motion carried (7/0)

Plan Submission Meeting and Public Hearing: Winnisquam Yacht Club LLC: Request for a Boundary Line Adjustment that would give Lot 14 .61 acres from Lot 13.1. Properties are located on Laconia Road, Tax Lots 224-014-000-000 and 224-013-001-000, in the Commercial zone. Planning Board case #07-23P

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 8/30/2023 subject to extension or waiver.

J. Pike seconded the motion.

Vote: All in favor, motion carried (7-0)

DEVELOPMENT OF REGIONAL IMPACT

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

M. LeClair seconded the motion.

Vote: All in favor, motion carried. (7-0)

MOTION: M. LeClair moved to waive the following:

- Soils Map & Report (Site Plan Regs. Section 5.D.3) no changes are proposed to the affected strip of land.
- Topographic Plan (Site Plan Regs. Section 5.D.2) no changes are proposed to the affected strip of land.
- Utilities and significant man-made features (Site Plan Regs. Section 5.D.1.E) no changes to parcels are proposed and a recent survey (2021) was conducted on Lot 224-014-000-000.
- Items on site and within 100' (Site Plan Regs. Section 5.D.1.G) driveway crossings and/or culverts will be shown, no changes to parcel are proposed.
- Significant Features (Site Plan Regs Section 5.E.1) driveway crossings and stone walls are shown. No changes are proposed, other features are not pertinent to application.

G. Grant seconded the motion.

Vote: All in favor, motion carried (7/0)

Departmental Response:

Staff Notes: Applicant is requesting a boundary line adjustment with Lot 224-013-001-000 (vacant) to transfer .61 acres of 1.67 acres to parcel 224-014-000-000. Lot 224-014 was recently developed with boat storage buildings by Winnisquam Marine. Lot 224-013-001-000 is a strip of land located between the state

road ROW and the Winnisquam Marine lot (224-014-000-000). The boundary line adjustment will give lot 224-014 frontage on Laconia Road where currently none exists.

Ed Crawford and Dan Mullen, Esq. were present for this application. D. Mullen stated that this is a long narrow strip of land that was intended to be used for the widening of Route 106-never happened. This will clean up the lot lines and give the applicant frontage. The lots will be merged with lot 13 and still retain access to lot 12.

Chairman Harris asked if there were any public comments. There were none.

MOTION: M. LeClair move 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 4/4/2023.
2. Submit final plans (5 paper, 3 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a) Add/correct "Laconia Road" in all appropriate locations.
 - b) Location map lacks any useful detail.
3. Payment of decision recording fee (fee to be determined NOD + plan). Check made payable to BCRD.
4. Conditions precedent shall be completed no later than 5/22/24. Active and Substantial development of the approved improvements shall occur no later than 5/22/25 and improvements shall be substantially completed by 5/22/27.
5. 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.

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

6. 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.
7. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
8. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
9. No changes shall be made to the approved plans unless application is made in writing to the Town.

10. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
11. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 5/22/24 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.

W. Peterson seconded the motion.

Vote: All in favor, motion carried (7/0)

Plan Submission Meeting and Public Hearing: Field Lane Belmont LLC: Request for a Site Plan approval to build three self-storage structures, one will be climate controlled. Property is located on Field Lane, Tax Lot 245-007-000-000, in the Industrial Zone. Planning Board case #08-23P

K. Santoro stated that the applicant has requested that the application be continued to the June meeting so that they may redesign the climate controlled building and associated drainage features. This application will be tabled until 6 pm, Monday, June 26, 2023 to give the applicant time to submit updated information.

MOTION: M. LeClair moved to table this application until the June 26, 2023 meeting.
J. Pike seconded the motion.
Vote: All in favor, motion carried (* / 0)

Plan Submission Meeting and Public Hearing: Lakeview at Belmont, LLC: Request for Subdivision Approval to subdivide 172 acres into 4 lots, three of the lots will be single family residential lots, while the fourth lot will have nine 2-bedroom condominium units. Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural zone. Planning Board case #09-23P

Craig Francisco was present to speak for the application. He stated that the applicant is requesting subdivision approval for three single family homes on their own lot, and 9 new two-bedroom condominium units on the fourth lot. A tenth unit is existing in the clubhouse. The proposal will require the merger of Lots 201-066-000-000 and 201-067-000-000. The proposed road is to remain private. He noted that he will need a variance for 3 lots to have access off of Ladd Hill Road.

K. Santoro stated that at the ARC meeting in March, the Public Works Director stated that he measured the sight distance from the driveway and found it to be partially obstructed by a telephone pole. He stated at that meeting that they absolutely need unobstructed sight distance. C. Francisco stated that after the ARC meeting, he made that change.

K. Santoro stated that the plans have been sent to the Land Use department's engineering consultant to review the road, drainage, and traffic. Therefore, additional time is required to facilitate this review.

Comments have been returned, but it was just this afternoon. She suggests that this is tabled until the June meeting.

Waiver Request: The consensus of the Board was to wait on the waiver until they could review the engineer's comments.

MOTION: M. LeClair moved that they table the request to waive Exhibit 3B Profile Grade to allow 10% grade (8% max per Exhibit 3B) until the next meeting.

J. Pike seconded the motion.

Vote: All in favor, motion carried (7/0)

MOTION: M. LeClair 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 7/26/2023 subject to extension or waiver.

G. Grant seconded the motion.

Vote: All in favor, motion carried.

DEVELOPMENT OF REGIONAL IMPACT

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

M. LeClair seconded the motion.

Vote: All in favor, motion carried. (7-0)

Department Responses:

Assessing: Updated Current Use Map required for Map/Lot 206-013. Contact Town Assessor regarding any questions on how Land Use Change Tax Penalty occurs. Assessing adjustments resulting from this proposal will occur only on the April 1st assessment date following the recording and/or commencement of project.

Staff Comments: Applicant is requesting subdivision approval for three single family homes on their own lot, and 9 new two-bedroom condominium units on the fourth lot. A tenth unit is existing in the clubhouse.

The proposal will require the merger of Lots 201-066-000-000 and 201-067-000-000. The proposed road is to remain private. Proposed road name (Ferren Drive) will require E911 approval.

Chairman Harris opened the public comment portion of the meeting.

Corina Cisneros on Zoom: Old Ladd Hill Road. She stated that she is not so much concerned with everything she has heard tonight, however, she has concerns regarding the golf course lot, it looks like they plan to develop the golf course into residential. Is that correct? K. Santoro stated that the lot is noted on the applications because it is part of the proposed project as a whole. The owner has no plans to change the portion of the golf course on the south side of Ladd Hill to residential lots.

Bruce Cardinal: 44 Silkwood Ave. He stated that he was the Vice President of Solar Village Association, and his main concern was for the watershed going down towards the leach fields on that hill. He stated that they have had tremendous septic issues. The Association had to conduct a hydrogeology study on the whole back side so they could get a grant to get soil types on that side. The soil types were not conducive to having tight leach fields. He's got concerns that after a few years with the leach fields being there, the watershed on that hill is pretty wet. He feels they need to do some more evaluations.

Peter Palmer stated that he was an abutter on both sides of this property. He asked if there have been any studies done concerning sewage run off as far as the community well? He stated that they have had problems on Diane Drive with the water.

Bruce Cardinal: He asked how big the pump station for the association is? C. Francisco stated that he hasn't designed it yet.

Michael Bormes Diane Drive: Have they had anyone assess where the water is going to come from?

Jennifer Prentice 65 Ladd Hill Road: She stated that her concern was about water and if this development would take water away from the existing abutting homes.

Chairman Harris closed the public comment portion of the hearing.

MOTION: M. LeClair moved to formally request a hydrogeology study.
J. Pike seconded the motion.
Vote: All in favor, motion carried (7/0)

MOTION: R. Pickwick moved to Table the Public Hearing on the application of Lakeview at Belmont LLC request for a Subdivision Plan approval to subdivide 172 acres into 4 lots located on Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, to 6pm, June 26, 2023, at this location.

K. Sturgeon seconded the motion.
Vote: All in favor, motion carried (7/0)

Plan Submission and Public Hearing: Lakeview at Belmont, LLC: Request for Site Plan approval to convert from a Golf Course to residential use. Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural zone. Planning Board case #10-23P

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 7/26/2023 subject to extension or waiver.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried

MOTION: W. Peterson moved to Table the Public Hearing on the application of Lakeview at Belmont LLC request for Site Plan approval to convert from a Golf Course to residential use. Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural zone to 6pm, June 26, 2023, at this location.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried (7/0)

Plan Submission Meeting and Public Hearing: Susan Turcotte: This application was received relative to NH RSA 674:53 Land Affected by Municipal Boundaries. The lot is located in both Belmont and Gilford. Request for a lot line adjustment among three (3) lots located at 150 Young Road (Tax Map & Lot #207-002.001), 152 Young Road (Tax Map & Lot #207-002.002), and 154 Young Road (Tax Map & Lot #207-002.003). A portion (546 sq. ft.) of Tax Lot 207-002-003 is located in the Town of Belmont. Planning Board case #11-23P.

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 1/26/22 subject to extension or waiver.

K. Sturgeon seconded the motion.

Vote: All in favor, motion carried (7/0)

DEVELOPMENT OF REGIONAL IMPACT

Chairman Harris stated 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: P. Harris moved that the proposal does not have a potential regional impact.
G. Grant seconded the motion.
Vote: All in favor, motion carried. (7-0)

C. Dunn outlined the request for the waiver of subdivision regulations. He noted that it had come to light when S. Turcotte brought the plan in to the Land Use Office for signature. C. Dunn noted that it is a formality due to the fact that the parcel is only 500 square feet.

Departmental Responses:

Assessing: A new map and lot number will be created by the Town of Belmont for assessment and tax purposes for the portion of Gilford Lot 207-002.003 that is located in Belmont.

Staff Comments: Applicant is requesting a waiver of the subdivision regulations per Section 2:C

The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Waivers must be submitted in writing and shall only be considered during the formal review of an application for which abutters have been notified.

Staff review supports the waiver request under Section 2:C (2). The portion of the parcel located in the Town of Belmont is approx. 546 square feet (.013acres). The parcel is too small to support any development within Belmont, development would be in the Town of Gilford and subject to their rules and regulations.

MOTION: J. Pike moved to waive Town of Belmont Subdivision Regulations per Section 2:C(2) for the lot known in Gilford as 154 Young Road, Belmont Tax Map number is to be determined.
G. Grant seconded the motion.
Vote: All in favor, motion carried (7/0)

Minutes:

Amend/Approve prior meeting minutes of April 24, 2023

MOTION: J. Pike moved to approve the minutes of April 24, 2023, as written.
M. LeClair seconded the motion.
VOTE: All in favor, Motion carried (7-0)

Staff Report:

Voluntary Merger: 39 Sargent Street.

K. Santoro outlined the merger request. The .03 acre lot directly abuts the parcel known as 39 Sargent Street and is currently being used as the driveway for 39 Sargent Street.

MOTION: J. Pike moved to approve the voluntary merger between lots 125-011-000-000 (.37 acres) known as 39 Sargent Street and lot 125-013-000-000 (.03 acres).

W. Peterson seconded the motion.

Vote: All in favor, motion carried (7/0)

Tioga Ridge

K. Santoro stated that they would like to receive the final approval for the road, but they need to grub out the sides of the road as the vegetation has grown back in the drainage ditch line and there are a few trees to be removed.

Convenient MD

K. Santoro stated that she has been in email conversations with them, they have contracted with CSSI and plan to have the slope work done by June.

Lakes Region Planning Commission

K. Santoro stated that unfortunately, the LRPC meetings are the same night as the Planning Board meetings, so she would not be able to go as a representative for Belmont.

Land Use Technician position

K. Santoro stated that they will be interviewing in the next week for the Land Use Tech position.

Motion to adjourn was accepted at 7:57 PM.

Respectfully submitted,



Susan Austin,
Land Use Administrative Assistant

