



PLANNING BOARD TOWN OF BELMONT, NH

Monday, October 23, 2023
Belmont Mill, and Zoom
Belmont, NH 03220

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

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

Absent: Dennis Grimes (alternate)

Zoom: None

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.

Capital Improvement Plan: Department Presentations.

Chief Black was present to discuss the Fire Department's CIP requests. She stated that they would like to replace the aging Cascade system, the system that fills the SCBAs with breathing air for the times when they have to work in hazardous conditions. Parts are becoming harder to get for this aging system. Last year the system went down for several months, and they had to rely on other towns to fill their air bottles. She stated that they have a quote from the company that services their system for \$60,000, which would come out of the ambulance fund.

J. Pike stated that Chief Black presented this request to the Board of Selectmen and it was approved.

Plan Submission and Public Hearing - Lakeview at Belmont LLC: Request for Subdivision Approval to subdivide 3 single family residential lots from Tax Lots 201-067 and 201-066, and create an Open Space Easement on Tax Lot 206-013. Property is located at Ladd Hill Road/Old Ladd Hill Road, in the Rural Zone. Planning Board Case# 19-23P

William Ferren, property owner and Craig Francisco from Bedford Design Consultants were present to discuss this application. He stated that since they had last been in front of the Board, they have changed the plans a bit. They are foregoing the road, for now to allow time to redesign it. The applicant would like to get these three lots created for now, and everything else can be looked at later.

COMPLETENESS OF APPLICATION

Staff recommends application is substantively complete for review. Board may raise any concerns regarding whether application is complete. Applicant may provide testimony, if necessary, limited to whether the application is complete for the Board's review

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 to complete review and act on the application. Action on this proposal shall occur by 12/27/2023 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: M. LeClair moved that the proposal does not have a potential regional impact.

K. Sturgeon seconded the motion.

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

P. Harris stated that two of those proposed lots have been used for parking. What are the plans for parking once these lots are created? C. Francisco stated that they have leased 28 spots across the street, and they have no plans to expand the golf course. P. Harris stated that his concern is that there will not be adequate parking. W. Ferren stated that they have 40 to 50 spots; he feels that will be sufficient. J. Pike asked where these spots were located. W. Ferren stated that they are cross the street. J. Pike stated that when the lease runs out on those lots, they will lose that parking.

K. Santoro stated that she would suggest that the Board continue this application in order to allow the applicant to update the plan to show where this parking will be should the lease expire.

MOTION: M. LeClair moved to Table the Public Hearing on the application of Lakeview at Belmont LLC request for Subdivision approval to subdivide 3 single family residential lots from Tax Lots 201-067 and 201-066, and create an Open Space Easement on Tax Lot 206-013. 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, November 27, 2023, at this location.

J. Pike seconded the motion.

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

Plan Submission and Public Hearing – Craig and Magdalena Roeder: Request for Subdivision Approval to subdivide to subdivide one lot into two. Property is located at 60 Bean Hill Road, Tax Lot 218-004-001-000, in the Residential Single-Family Zone. Planning Board Case # 20-23P.

Randall Otis, LLS and Craig Roeder were present to discuss their proposal. R. Otis stated that they propose to subdivide a 1.03-acre lot off of the 11.01-acre existing lot. The new lot would include the existing home.

COMPLETENESS OF APPLICATION

WAIVER REQUEST:

MOTION: J. Pike moved to waive the Utilities & Fire Protection Plan (Sec 5D.5) – Existing utilities. Leach fields and well are shown on the plan. This is a minor subdivision plan with no changes or additions proposed at this time.

W. Peterson seconded the motion.

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

Staff recommends that the application be accepted as substantively complete. The Board may raise any concerns regarding whether application is complete. Applicant may provide testimony, if necessary, limited to whether the application is complete for the Board's review

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 to complete review and act on the application.

Action on this proposal shall occur by 9/27/2023 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: M. LeClair moved that the proposal does not have a potential regional impact.

K. Sturgeon seconded the motion.

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

K. Santoro stated that there was a condition on a prior subdivision approval that indicated no further subdivision due to lack of sight distance. The applicant has done work to the banking, etc and has increased the sight distance. In January 2022 the Planning Board indicated that the condition would be waived to allow the applicant to apply for subdivision. It was noted that the sight distance would need to be verified by a licensed surveyor.

Department Response

Assessing:

The Current Use file for this property 218-004-001-000 shows 0.7812 acres NOT IN CURRENT USE. The map currently on file includes some portion of CURRENT USE in the area where the new lot will be subdivided. At the time of an ownership change of the newly created 1.03-acre parcel, an LUCT penalty of 0.25 acres will be required.

Assessing adjustments resulting from this proposal will occur only on the April 1st assessment date following the recording and/or commencement of project.

Chairman Harris opened the public comment. There was no public comment.

MOTION: W. Peterson moved that the application for Subdivision Approval be granted Final, conditional approval as it appears to meet all 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 set dated 9/14/2023.
2. One copy of the proposed plan should be submitted to Eversource for information purposes.
3. Prior to plan signing/recording an escrow shall be established for any incomplete improvements, including setting of pins and bounds, and as-built plans (as necessary). Applicant shall submit engineer/surveyor estimates for improvements for review by the Land Use Office.
4. Submit final paper plans (5 full size, 1 reduced, 1 pdf). Submit 2 mylar copies suitable for recording. Submit one copy (preferably electronic) for approval prior to submitting all required copies.
 - i. Add/identify/include/correct on plan:
 - Correct plan title to indicate 60 Bean Hill Road (instead of 80 Bean Hill Rd)
 - Correct Note 2 to indication Map 218 Lot 004-001
 - Provide set without topographical details for recording at Belknap County Registry of Deeds
 - Identify driveway site distance on plan
 - Show Current Land Use (CLU) area on plan. CLU penalty will be assessed upon transfer of ownership.
 - Add note to plan to indicate that the areas indicated as Current Use/Not In Current Use cannot be modified or moved.
5. Payment of decision recording fee. Check made payable to BCRD in the amount to be determined (mylar and notice of decision).
6. Conditions precedent will be met no later than 10/23/2024.
7. Applicant shall sign and return copy of Town's Inspection Schedule, if applicable. Schedule will be available once final plans are submitted.
8. 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.

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):

9. Any monumentation disturbed or destroyed during construction shall be replaced.
10. 5' paved driveway apron and culvert (as necessary) shall be installed prior to

development on lot 218-004-002-000.

11. All utilities must be underground.
12. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
13. No changes shall be made to the approved plans unless application is made in writing to the Town.
14. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
15. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 10/23/24 unless all conditions are met or an extension is applied for and granted in accordance with the Regulations. Active and substantial development of the improvements to be completed no later than 10/23/2025. 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.
16. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

G. Grant seconded the motion.

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

New Business

Tioga Ridge Subdivision

K. Santoro stated that this is only a brief update. She stated that they had a meeting onsite. They are waiting for numbers from their consultant regarding bonding out the roads. The DPW Director would prefer that they wait on paving and bond it out.

Minutes

Amend/Approve prior meeting minutes of September 23, 2023.

MOTION: K. Sturgeon moved to approve the minutes of September 23, 2023, as written.

R. Pickwick seconded the motion.

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

Zoning Amendments – Christine Marion, Lakes Region Planning Commission

Christine Marion from Lakes Region Planning Commission was present to discuss the Source Water Protection portion of the Zoning Ordinance. She stated that the Town of Belmont is one of three towns included in a grant to assist in updating the ordinance language to bring it in line with the State. She distributed a packet to the Board that showed the difference between Belmont's current Aquifer and Groundwater Protection District ordinance and what the 2015

NHDES model ordinance language. She stated that the Board should move forward with initial updates based on the 2015 model for now, that way the Town would be in line with the State.

J. Pike stated that his concern was that if they overload the ballot, people will just vote no on the amendments. M. LeClair stated that he felt the same, and that they should move this to the end of the discussion after they go over the other possible amendments. Discussion ensued.

MOTION: M. LeClair moved to put this at the end of the discussion after the other amendments.

R. Pickwick seconded.

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

Zoning Amendments

Amendment 1: Add RSA clause to Article 1 to allow the Planning Board to make changes as required by RSA after holding two public hearings at regularly scheduled Planning Board meetings.

K. Santoro stated that the opinion from legal was that she had some concerns as she has never seen it included in an ordinance, and sometimes the required changes are quite substantive. Legal did note that the town doesn't really have a choice but to adopt required changes.

Amendment 2: Incorporate statutory definitions of alternative treatment center and cultivation locations into Article 15 and add alternative treatment centers/cultivation locations as uses permitted by conditional use in the Commercial and Industrial Districts.

Alternative Treatment Center - As defined in RSA 126-X:1, I.

"Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients, designated caregivers, other alternative treatment centers, and visiting qualifying patients.

Cultivation Location - As defined in RSA 126-X:1, IV.

"Cultivation location" means a locked and enclosed site, under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter.

Make Alternative Treatment Centers/Cultivation Locations a permitted use by CUP Commercial & Industrial Zones

Board consensus was to keep Amendment 2.

Amendment 3: Make changes to the footnotes of Article 5 Table 2, Dimensional Regulations, deleting Footnote 1 and deleting contradictory language from Footnote A to clarify that when a lot is in two zones, the stricter dimensional requirements shall apply to the entire lot.

Delete Footnote 1 – Density bonus for elderly

~~¹ Density for Multi-family dwellings that are restricted to elderly occupancy as defined and regulated by Federal Regulations is eight dwelling units per acre.~~

Amend Bullet A – One parcel located in two zones

A. All non-residential uses **located on a property containing more than one zone** ~~within the Residential Single Family, Residential Multi Family, Rural and Village zones~~ shall conform to the stricter dimensional regulations ~~which apply to the Industrial and Commercial zones~~ **applied to the whole parcel.**

MOTION: J. Pike moved to remove amendment 3 from the list.

K. Sturgeon seconded.

Vote: All in favor, motion carried

Amendment 4: Amend number of allowed storage vehicles, trailers or shipping containers in the Commercial and Industrial Zones; Change Storage Vehicles and Trailers Use from Conditional Use to Permitted Use in Article 5 Table 1, Table of Permitted Uses in the Residential Multi Family; Residential Single Family and Rural Zone.

Storage Facilities - Vehicles, trailers, shipping containers, or other enclosures being primarily used for onsite storage shall be regulated by this Ordinance as to use and shall be considered a structure. Storage vehicles, trailers, and/or shipping containers shall be limited to a total of **two (2) with a maximum of 640sf** per lot and shall not exceed 10 feet in height in the Residential Multi Family. Residential Single Family, and Rural Zones. Storage vehicles, trailers, and/or shipping containers shall be limited to a total of ~~640sf per lot~~ **four (4) with a maximum of 1,280sf per lot** and shall not exceed 10 feet in height in the Commercial and Industrial Zones.

After discussion, the Board agreed that the language about the height be removed as storage trailers would exceed 10' in height because of the axles, and a single line be added stating storage containers shall not exceed 10' in height. .

Board consensus was to keep Amendment 4 with the changes discussed.

Source Water Protection

MOTION: M. LeClair moved to table the Source Water Protection amendments.
R. Pickwick seconded.
Vote: All in favor, motion carried. (7-0)

Article 11 Nonconforming structures

Clarify that if the initial structure benefits from a Variance, a Variance is required to add to it (2nd floor of garage).

Board consensus was not to move forward with Article 11.

Dwellings:

Dwelling unit accessory to residential use – clarify that detached accessory structures must have an accessory use and it must be at least 50% of the net floor area i.e. ADU above a garage. Not constructing a tiny house to create a second dwelling unit on the same lot. *Currently in our Zoning Ordinance: “The accessory dwelling unit may be physically attached to or incorporated within a principal residential structure, or incorporated in an attached or detached accessory structure to such principal residence.”*

Subordinate Dwelling-Conditional Use-amend rules that require removing cooking facilities.

MOTION: M. LeClair moved to maintain the current language for Accessory Dwelling Units.

G, Grant seconded the motion.
Vote: All in favor, motion carried (7-0)

RVs-Multiple RVs on single lot. People own more than one RV sometimes and would like to keep them both on their house lot.

Current Language:

Property owners may house one unit on their property as accessory to an existing primary residential use providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non-paying guest. **Such use shall not exceed 45 days during any twelve-month period unless the unit is attached to NH State approved on-site water and septic or sewer facilities. If so attached, use of the unit shall not exceed six months during any twelve-month period.** The allowed single unit shall not be considered a structure for Zoning and Planning purposes and shall not be used as a primary residence.

MOTION: K. Sturgeon moved to leave this ordinance as it is.
J. Pike seconded the motion.
Vote: 5-2 Motion carried. M. LeClair and G. Grant voted no.

Mountain Lake View

K. Santoro stated that this was coming in front of the Board again in November. The applicant has filed an amendment to approved site plan. He also filed an intent to cut, which can't be denied as it is a tax document only, not permission to do work. The question before the Board is, does the cutting of trees indicate site work and the start of work? If so, he has not yet met the precedent conditions of the 2006 approval and does not have a signed and recorded plan. She would like a consensus from the Board. Staff's recommendation is that this is site work.

MOTION: M. LeClair moved that the cutting of trees indicated site work.
R. Pickwick seconded the motion.
Vote: all in favor, motion carried (7-0)

Staff Report

K. Santoro stated that the December 2024 meeting falls on the 23rd. Being that it is so close to Christmas, would the Board like to move the date for that meeting? Board consensus was to move the meeting to the 3rd Monday, December 16.

ADJOURNMENT

MOTION: On a motion by M. LeClair seconded by G. Grant, it was voted unanimously to adjourn at 9:01 pm. (7-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant