



PLANNING BOARD MINUTES

TOWN OF BELMONT, NH

MONDAY, February 26, 2024 6:00 P.M.

Belmont Mill 4th Floor Tioga Room

14 Mill Street & Zoom

Present: Chairman Peter Harris, Kevin Sturgeon, Gary Grant, Richard Pickwick, Kevin Sturgeon, and Michael LeClair.
Absent: Vice Chairman Ward Peterson, Jon Pike Ex-Officio, and Dennis Grimes (alternate)
Staff: Karen Santoro, Town Planner; and Susan Austin, Land Use Assistant
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 through Zoom 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 and Public Hearing – Raed Hertel Family Trust: Continuation of a request for Subdivision Approval to subdivide to subdivide 5 single family residential lots from Tax Lot 118-016-000-000. Property is located on Jamestown Road in the Residential Single-Family Zone. Planning Board Case # 23-23P.

Wayne Burgess, representative for the applicant, was present to discuss this application. He stated that they had to find a new wetlands scientist since the previous scientist had retired. They hired a new one, but now they are realizing that there may have been some wetlands that were overlooked. They realized that it would not be feasible to do three small lots in that area of the site, and because they would like to create 4 lots rather than 5.

K. Santoro stated that because the applicant has changed the plan significantly, the applicant will have to withdraw this application and reapply with the new plans. Or the Board can deny the application without prejudice, allowing the applicant to reapply.

MOTION: R. Pickwick moved to deny without prejudice the request for Subdivision Approval to subdivide to subdivide 5 single family residential lots from Tax Lot 118-016-000-000. Property is located on Jamestown Road in the Residential Single-Family Zone.

M. LeClair seconded the motion.

Vote: All in favor, motion carried (5-0)

Cartier - Revocation of Subdivision Approval - to subdivide a single-family residential lot from Tax Lot 223-054-000-000 that was granted on December 18, 2023. Planning Board Case # -23P

Mr. Cartier stated that they are requesting that the approval for a two-lot single-family residential subdivision, granted on December 18, 2023 be revoked. The subdivision has not yet been recorded at the Registry of Deeds. After the subdivision was granted, they realized that the lot would not work as intended for the proposed home. The setback would be encroaching on where the house would be. If revocation is granted, he has applied for subdivision a second time, same size lot, however with a slightly different configuration.

MOTION: M. LeClair moved that the application for Subdivision Approval granted on December 18, 2023 be revoked as requested by the applicant.

Conditions:

1. This action is based on a request dated 10/18/2023.
2. Payment of decision recording fee. Check made payable to BCRD in the amount to be determined (notice of decision).

R. Pickwick second the motion.

Vote: All in favor, motion carried (5-0)

Plan Submission Meeting and Public Hearing – Cartier: Request for Subdivision approval to subdivide one lot into two. Property is located at 105 Hurricane Road, Tax Lot 223-054-000-000, in the Residential Zone. Planning Board Case # 03-24P

COMPLETENESS OF APPLICATION

WAIVER REQUESTS:

5.D.7 Road Profiles, Cross Sections and Details Plan. The proposed private road will be placed at the existing driveway to the existing house. The only changes anticipated are that some select materials may be added to the existing driveway to meet the appropriate width and depth to match the Typical Cross Section on the plans. Staff supports the waiver request; proposed driveway will serve as emergency vehicle easement; there is no direct impact to existing roadway.

5.D.3 Soils Map and Report. County soils map is depicted on the plan set and test pits have been provided. Proposed lot is greater than five acres and the test pits show that the soils are adequate to support the proposed single-family residence. Staff supports the waiver request; proposed lot is adequate in size to support a single-family home; well and septic even with the area containing slope greater than 15%. Additionally, a state approved septic plan is required at time of building permit submission.

5.D.1 Survey of the boundary of the entire lot. The frontage of the entire lot along the property line that is affected by the proposed 5+ acre lot has been surveyed. The remainder of the parcel has been surveyed by others. Staff supports the waiver request.

MOTION: M. LeClair moved to grant the following waivers:

- 5.D.7 Road Profiles, Cross Sections and Details Plan,
- 5.D.3 Soils Map and Report,
- 5.D.1 Survey of the boundary of the entire lot,

as these waivers were previously approved for the last application.

K. Sturgeon seconded the motion.
 Vote: All in favor, motion carried. (5-0)

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 5/1/2024 subject to extension or waiver.

R. Pickwick seconded the motion.
 Vote: All in favor, motion carried. (5-0)

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 (5-0)

MERITS OF APPLICATION:

Departmental Responses:

Fire:	No concerns.
Police:	No concerns.
Public Works/Water/Sewer:	No concerns.
Town Administrator:	No concerns.
Building/Code Enforcement Officer:	No response.
Conservation Commission	No response.
Land Use Technician:	See Staff notes

Assessing: Assessing adjustments resulting from this proposal will occur only on the April 1st assessment date following the recording and/or commencement of project. Property is in Current Use. An updated Current Use map may be required. Please check with the Assessing Administrator. A Land Use Change Tax Penalty may be assessed at the time of development or change in ownership of any of the lots.

Current Use:

A portion of Map/Lot 223-054-000-000 is in Current Use. An updated Current Use map showing the Not-in-Current-Use area(s) and any updated categorization change(s) will be required prior to development or change in ownership. (CU-18 Form may be required.) The Assessing Department should be contacted regarding questions about an updated Current Use map or any Land Use Change Tax Penalty process that may result from development or change in ownership.

Staff Comments:

Applicant is proposing a two-lot single-family residential subdivision. Original lot 223-054-000-000 is 68.36 acres; proposed lot 223-054-001-000 is 5.26 acres. Remainder of lot 223-054-000-000 equals 63.10 acres. Access will be via private right of way; utilizing an existing driveway.

K. Santoro noted the emergency services turn around has been moved to the opposite side of the right of way.

Chairman Harris opened the public hearing. There were no public comments, so he closed the public hearing portion.

MOTION: M. LeClair 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 1/22/2024.
2. Submit final paper plans (5 full size, 1 reduced, 1 pdf). Submit 2 mylar copies of sheet 1 and 3 suitable for recording. Submit one copy (preferably electronic) for approval prior to submitting all required copies.
3. Submit Current Use Plan to Assessing
4. Payment of decision recording fees. One check made payable to BCRD for Plan and Notice of Decision recording fee (amount to be determined) and second check made payable to BCRD for LCHIP fee \$25.
5. Conditions precedent shall be completed no later than 2/26/25.
6. Compliance hearing shall be held by Board as necessary.

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

7. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
8. No changes shall be made to the approved plans unless application is made in writing to the Town.
9. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 2/26/25 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.
10. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

K. Sturgeon seconded the motion.

Vote: All in favor, motion carried. (5-0)

Plan Submission Meeting and Public Hearing – Walterlynn 22 LLC: Request for Site Plan approval to add a tent style storage building to the site for the storage of maintenance equipment. Property is located at 1213 Laconia Road, Tax Lot 241-006-000-000, in the Industrial Zone. Planning Board Case # 04-24P

Bernie Temple from Rokeh Consulting was present for the application. He stated that this proposal is for a membrane structure to be used for storage, It will be 44' x 50' membrane structure on construction blocks. The Applicant would like to use this structure for storage of maintenance equipment for the property instead of using the main building and having to drag snow, salt and dirt across the floors.

COMPLETENESS OF APPLICATION

WAIVER REQUESTS:

Section 5.D.3 – Soils Report

The current proposal is to add a removable temp building for storage of maintenance equipment. There is currently an access way in place to the proposed location of the storage building so no additional changes are needed on site.

Section 5.D.4 – Topo Plan

The current proposal is to add a removable temp building for storage of maintenance equipment. There is currently an access way in place to the proposed location of the storage building so no additional changes are needed on site.

Section 5.D.5 – Aquifer Plan

The current proposal is to add a removable temp building for storage of maintenance equipment.

There is currently an access way in place to the proposed location of the storage building so no additional changes are needed on site.

Section 5.D.6 Utilities/Fire Protection Plan

The current proposal is to add a removable temp building for storage of maintenance equipment. There is currently an access way in place to the proposed location of the storage building so no additional changes are needed on site.

Section 5.D.7 – Stormwater Management Plan

The current proposal is to add a removable temp building for storage of maintenance equipment. There is currently an access way in place to the proposed location of the storage building so no additional changes are needed on site.

MOTION:

M. LeClair moved that the following waiver requests be granted:

- Section 5.D.3 – Soils Report
- Section 5.D.4 – Topo Plan
- Section 5.D.5 – Aquifer Plan
- Section 5.D.6 Utilities/Fire Protection Plan
- Section 5.D.7 – Stormwater Management Plan

G. Grant seconded the motion.

Vote: All in favor, motion carried. (5-0)

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 5/1/2024 subject to extension or waiver.

G. Grant seconded the motion.

Vote: All in favor, motion carried. (5-0)

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.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried (5-0)

MERITS OF APPLICATION:

Departmental Responses:

Fire:	No power to it, must be fire resistant; no washing vehicles.
Police:	No response.
Water/Sewer:	No response.
Public Works:	No response.
Town Administrator:	No response.
Conservation Commission	No concerns.
Land Use Technician:	See Staff Comments.
Assessing	Please confirm if a membrane structure?
Building/Codes:	No response.

K. Santoro noted that the property is located within the Aquifer Protection district, all regulated substances (petroleum, etc.) stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.

Chairman Harris opened the public hearing. There were no public comments, so he closed the public hearing portion of the meeting.

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 or plan set dated January 14, 2022; revised to January 31, 2024.
2. Submit final plans (6 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies.
3. Payment of decision recording fee. Check made payable to BCRD, in the amount of \$20.63, to record Notice of Decision.
4. Conditions precedent shall be completed no later than 2/26/25. Active and Substantial development of the approved improvements shall occur no later than 2/26/26 and improvements shall be substantially completed by 2/26/28.
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.

6. General conditions to be complied with subsequent to plan being signed and decision recorded:
7. Approved use(s) with this application include: 2-story heated storage facility. Warehousing, interior storage of vehicles, recreational and off-road vehicles, trailers, and watercraft storage (not self-storage).
8. Changes to or additions of use(s) shall require Site Plan Review.
9. All prior conditions of March 28, 2022 Site Plan approval, as Amended August 28, 2023, remain in place.
10. Membrane storage structure not to exceed 44' x 50' in size. Structure is for equipment storage only.
11. All regulated substances stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.
12. Submission of building plans, requiring approval by Building Inspector & Fire Department, shall comply with all applicable building, fire, health, and life safety codes.
13. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
14. No changes shall be made to the approved plans unless application is made in writing to the Town.
15. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
16. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 2/26/25 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.
17. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
18. Operational conditions of the Town and other agencies shall be met.

G. Grant seconded the motion.

Vote: All in favor, motion carried. (5-0)

Plan Submission Meeting and Public Hearing – White Oaks, LLC: Request for Site Plan approval to add a tent style storage building to the site for the storage of maintenance equipment. Property is located at 52 Higgins Drive, Tax Lot 241-008-000-000, in the Industrial Zone. Planning Board Case # 05-24P

Bernie Temple from Rokeh Consulting was present for the application. He stated that the applicant would like to add a 24' x 64' membrane structure to the property. . The Applicant

would like to use this structure for storage of maintenance equipment for the property instead of using the main building and having to drag snow, salt and dirt across the floors.

Originally, they proposed to put the structure in front of the property in the existing parking lot, but they have changed the plans to put it on the side of the building.

WAIVER REQUESTS:

Section 5.D.3 – Soils Report

The current proposal is to add a removeable temp building for storage of maintenance equipment. The storage building will be located on the existing pavement and no additional changes are needed.

Section 5.D.4 – Topo Plan

The current proposal is to add a removeable temp building for storage of maintenance equipment. The storage building will be located on the existing pavement and no additional changes are needed.

Section 5.D.5 – Aquifer Plan

The current proposal is to add a removeable temp building for storage of maintenance equipment. The storage building will be located on the existing pavement and no additional changes are needed.

Section 5.D.6 Utilities/Fire Protection Plan

The current proposal is to add a removeable temp building for storage of maintenance equipment. The storage building will be located on the existing pavement and no additional changes are needed.

Section 5.D.7 – Stormwater Management Plan

The current proposal is to add a removeable temp building for storage of maintenance equipment. The storage building will be located on the existing pavement and no additional changes are needed.

MOTION:

M. LeClair moved that the following waiver requests be granted:

- Section 5.D.3 – Soils Report
- Section 5.D.4 – Topo Plan
- Section 5.D.5 – Aquifer Plan
- Section 5.D.6 Utilities/Fire Protection Plan
- Section 5.D.7 – Stormwater Management Plan

G. Grant seconded the motion.

Vote: All in favor, motion carried. (5-0)

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 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 5/1/2024 subject to extension or waiver.

K. Sturgeon seconded the motion.
Vote: All in favor, motion carried. (5-0)

MERITS OF APPLICATION:

Departmental Responses:

- Fire:** No power to it, must be fire resistant; no washing vehicles.
- Police:** No response.
- Water/Sewer:** No response.
- Public Works:** No response.
- Town Administrator:** No response.
- Conservation Commission** No concerns.
- Land Use Technician:** See Staff Comments.
- Assessing** Please confirm if this is a membrane structure?
- Building/Codes:** No response.

Chairman Harris opened the public hearing. There were no public comments, so he closed the public hearing portion.

K. Santoro stated that because the site plan has changed, she would advise the Board that they table this application until March in order to allow the Board and Staff to review the changes.

MOTION: M. LeClair moved to table the request for Site Plan approval to add a tent style storage building to the site for the storage of maintenance equipment, until March 25, 2024 at 6PM. Property is located at 52 Higgins Drive, Tax Lot 241-008-000-000.

G. Grant seconded the motion.
Vote: All in favor, motion carried. (5-0)

Lot Mergers:

Seth McLellen and Lauren White, Tax lots 239-015-000 and 239-021-000-000. (Brown Hill Road)

MOTION: K. Sturgeon moved to approve the lot merger of lots 239-015-000-000 and 239-021-000-000. Lots are located on Brown Hill Road.
G. Grant seconded the motion.
Vote: All in favor, motion carried. (5-0)

Winnisquam Storage, LLC, Tax lots 102-003-000-000 and Parcel A.

K. Santoro stated that she reached out to legal because of how Parcel A was created. The State discontinued a portion of the right of way which created the lot known as Parcel A and subsequently sold it to the applicant.

MOTION: R. Pickwick moved to approve the lot merger of lots 102-003-000-000 and Parcel A. Lots are located at 307 Daniel Webster Highway
K. Sturgeon seconded the motion.
Vote: All in favor, motion carried. (5-0)

Minutes

Amend/Approve prior meeting minutes of January 22, 2024.

MOTION: M. LeClair moved to approve the minutes of January 22, 2024, as written.
R. Pickwick seconded the motion.
Vote: All in favor, motion carried (5-0)

Staff Report

K. Santoro stated that they have hired a new Building Official, Glenn Caron. He will start full time in the next week or so.

She stated that the 2023 Town Reports are available and provided copies to the members. She reminded everyone that the Town Vote is on March 12th and voters guides are available.

ADJOURNMENT

MOTION: On a motion made by M. LeClair, by seconded by G. Grant, it was voted unanimously to adjourn at 7:04 pm.
Vote: All in Favor, Motion carried (5-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant