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## PLANNING BOARD TOWN OF BELMONT, NH

Monday August 22, 2022  
Belmont Mill, and Zoom  
Belmont, NH 03220

Present: Chairman Peter Harris, Michael LeClair, Richard Pickwick, Kevin Sturgeon, Gary Grant,  
Jon Pike Ex-Officio

Members Absent: Vice Chair Ward Peterson

Alternates Present: Dennis Grimes

Alternates Absent: Rick Segalini, Jr.

Staff: Sarah Whearty and Karen Santoro  
Zoom: None.

The Vice Chairman opened the meeting at 6:00pm 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.

1. **Plan Submission Meeting and Public Hearing – Tap Public House:** Continuation of a request to amend a previously approved Site Plan to show upper parking lot, add parking spaces, add a deck, show proposed building, remove existing above ground tanks and existing jersey barriers, and connect to underground tanks. Property is located at 936 & 930 Laconia Road, Tax Lot 122-057-000-000 in the “C” Zone. PB #2222P. (Applicant requested continuation to 9/26/22)

The Applicant requested a continuation to the September 26, 2022 meeting.

**MOTION:** M. LeClair moved to Table the Public Hearing on the application of TAP Public House to amend a previously approved Site Plan to show upper parking lot, add parking spaces, add a deck, show proposed building, remove existing above ground tanks and existing jersey barriers, and connect to underground tanks, located at 936 & 930 Laconia Road, Tax Lot 122-057-000-000, to 6pm on September 26, 2022 at this location.

Second by K. Sturgeon

**VOTE:** All in favor. (6-0)

R. Pickwick moved that D. Grimes be seated as a voting member  
Seconded by M. LeClair

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All in favor (6-0)

2. **Plan Submission Meeting and Public Hearing – Pike Industries, Inc.:** Request for Five-year compliance hearing for earth excavation permit conditions. Property is located at 310 Depot Street (Ambrose pit), Tax Lot 231-011-000-000 in the “R” Zone. PB #2322P.

All excavation sites are required to come before the Planning Board every 5 years for a compliance hearing. It is scheduled on the same year that operators are also required to submit a progress plan/report to NH DES under their Alteration of Terrain permit. The purpose of the Planning Board’s review is:

- A. Need for any additional information.
- B. Conformance to prior conditions of approval.
- C. Operational impacts of the project conform to the description and commitment offered during the prior review process.
- D. Security is evaluated.

Operators may also include in their application to the Board a request for any changes they wish to make.

**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 10/26/22 subject to extension or waiver.

Second by R. Pickwick

**VOTE:** All in favor (7-0)

S. Whearty explained that Pike Industries is at the Planning Board for a five-year compliance hearing. The hearing is scheduled to line up with the five-year plan submission they must make for their Alteration of Terrain permit for the Pike “Ambrose” Pit.

Dick Fraser of One Source Properties and Permitting, agent for the applicant, explained that there has been little change over the last five years. They are at the meeting to show compliance with their approval. He noted that they have filed the Notice of Intent for 2022-2023 and have filed their reports of material removed as required. D. Fraser also noted that there is a reclamation bond, the amount is calculated for the entire twelve acres but only about seven acres of the total twelve is disturbed.

M. LeClair commented that it had been reviewed by staff. The question posed by the Conservation Commission “*The project area continues to be internally drained*” – *Does that refer to the drainage of water? Is it active or passive drainage?* was read aloud.

D. Fraser said that he believes they are referring to stormwater management. He said that the soils are excessively drained soils, the water percolates quickly and there is no concentrated stormwater runoff. He stated that the area is mined as a bowl and water goes to the bottom of the bowl and infiltrates.

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J. Pike commented that there is a brook that drains to the Tioga River, the Tioga is a source for the town’s water system. He asked about protection from particulates entering the water. He also outlined the issues that the town’s water system is currently experiencing with high levels of iron and manganese in the water.

D. Fraser said that Pike Industries has a federal permit and that the permitting process includes a stormwater management program. He deferred to Corey Gucwa, Environmental Manager for Pike Industries. C. Gucwa reiterated that with the federal and state permitting they are required to have a stormwater management program and they have a quarterly testing schedule. The samples have to meet State of NH and Federal EPA benchmarks. He noted that this information is publicly accessible. C. Gucwa informed the Board that they have been within limitations each time.

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

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

and that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

- 4. Upon receipt, provide copy of NH DES acknowledgment of 2022 progress plan.
- 5. All existing conditions remain in effect. No amendment was made by this action.
- 6. Application for the next compliance review hearing shall be submitted to the Board no later than September 1, 2027.

Second by G. Grant

**VOTE:** All in favor (7-0)

- 3. **Plan Submission Meeting and Public Hearing – Mountain Lake Village, LLC:** Request for a one-year extension (8/28/2023) of an 18-lot open space single-family subdivision approval and previously granted waivers with internal roads and open space (Zoning Use Open Space Residential Subdivision). Property is located on Mile Hill Road, Tax Lots 202-012-000-000 & 202-015-000-000 in the “R” & “RS” Zones. PB # 2422P.

**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 10/26/2022 subject to extension or waiver.

Second by G. Grant

**VOTE:** All in favor (7-0)

**MOTION:** M. LeClair moved that the proposal does not have a potential regional impact.

Second by K. Sturgeon

**VOTE:** All in favor (7-0)

P. Brouillard, principal of Mountain Lake Village, outlined the status of the Mountain Lake Village project. There are eighteen lots in Belmont and thirty-three in Laconia. He explained that he has been working on the intermunicipal agreement and that they are close to the finish line. P. Brouillard informed the Board that the open space property has been conveyed to the Town of Belmont. He noted that all the lots back up to open space.

S. Whearty asked about the status of the other agency permits. Jon Rokeh, Rokeh Consulting, addressed the Board. He said that he is currently working on the Alteration of Terrain (AoT) permit. He noted that they have revised the drainage and reduced the roadway. The AoT application has been updated and will be submitted soon. P. Brouillard commented that the wetlands permit is in place; the Apple Ridge Apartments had to file for stream crossings. The disturbance has already occurred.

S. Whearty outlined the condition of the 2006 approval and noted that in the sixteen years since the original approval conditions and regulations may have changed. The AoT as well as other permits would have to meet current standards. J. Rokeh commented that with the updated plans and going to fewer lots they meet current standards.

**MOTION:** K. Sturgeon moved that the application for extension 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 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. Comply with all conditions of the original approval, subsequent amendments, and extensions and those as represented by the applicant during the public hearings on the proposal and within submitted printed documents including the approved plan. This approval requires that the project comply with the current Subdivision Regulations.
2. Extension is to 8/24/2023.
3. Submit revised plans and final stormwater report electronically to the Land Use Office. The Land Use Office will obtain an estimate for the stormwater analysis review (and for construction inspections). Additional funds may be required and should be submitted to the Land Use Office before review begins.
4. Compliance Hearing may be required.
5. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 8/24/2023 unless all conditions precedent have been met and the approval has been signed, the approval has been recorded or required security has been posted to begin the improvements, or an approval extension application is submitted and is granted. The Board is not required to grant additional extensions. 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.
6. Laconia utilities and roads required to support this project are to be approved and in place.
  7. In accordance with the approved buildout schedule all documents sufficient for plan recording no later than 8/24/2023; Active and Substantial development of the approved improvements no later than 8/24/2024 and improvements shall be substantially completed by 8/24/2026.
  8. No changes shall be made to the approved plans unless application is made in writing to the Town.

Second by G. Grant

VOTE: All in favor. (7-0)

4. Other Business.

A. **Design Review - Tap Public House, Tax Lot 122-057-000-000.**

P. Brouillard addressed the Board. He stated that the original site plan included the third building and that site plans that are substantially complete do not expire. He also noted the 1995 plan showed the third building as a future possibility. P. Brouillard said that when they started the work on the parking lot that they had staff approval.

S. Whearty read an excerpt from the Town of Belmont Site Plan Regulations Section 8:A "Once all required plans and documents are submitted to the Board, and security, if required, is posted, the Board shall sign the final plat. The plat or Certificate shall also be recorded at this time. The applicant shall then begin active and substantial development or building on the site in accordance with the approved plat within 12 months after the date of approval. The applicant shall also substantially complete the improvements as shown on the plat within 48 months after the date of approval."

P. Brouillard addressed the parking concern stating that when the Tap is at its busiest, the Yolk is closed. J. Pike said that the Yolk and the Tap are very good businesses, that there is no benefit with the third building, it would take away from the Yolk. He also noted that there are only five spaces for the laundromat. The Board discussed the parking and the current use of the spaces. It was noted that currently they are using the spaces cooperatively but that could change if the occupancy changes.

S. Whearty informed the Board that she had been contacted by NH DOT when the upper parking lot spaces were being worked on. Due to grade changes a retaining wall would be required. She also noted that the DOT has Right of Way (ROW) concerns, these are still being investigated.

P. Brouillard stated that Bryan Bailey had done all the work and has investigated his files and the records and there have been no conveyances. He did note that he granted a drainage easement in 2006 but no property changed hands.

J. Pike asked about the placement of the propane tanks. Michael Campione, owner of the Tap, explained that they will look at the price of propane. They may put an above ground tank if it is less expensive. It was noted that they may connect to the underground tank farm if the cost is competitive.

M. LeClair commented that currently they have an AM business (Yolk) and a PM business (Tap) and that right now they are non-competing business (for parking) but that could change. He is concerned with people "beaching" cars outside of the parking lot, particularly with snowmobile trailers, if there is no space available and creating a hazard onsite.

R. Pickwick asked about delivery trucks. The area is congested now and it raises concern. M. Campione explained that his deliveries come before 10am as he does not have a loading dock or rear door, they bring deliveries in through the front.

M. Campione expressed that he is taking baby steps, do the deck first then go from there. M. LeClair commented that there should be no parking signs in the corners of the parking lot so that traffic is not impeded by vehicles parked outside of parking spaces.

S. Whearty informed the Board that she included both the original numbers that were used to calculate parking and the new updated numbers provided by the applicant so they could look at them side by side. 114 spaces are required for the current uses/buildings; 64 are provided. This does not take into consideration the spaces that will be required for a third building, or any other use. The Board noted that the parking lot is completely full without the third building.

J. Rokeh commented that the full parking lot is not utilized yet, it is still being finished. He noted that the drainage was designed to incorporate the third building. Before the current work was done there was no redundancy and water backed up, this has been repaired and improvements made.

K. Sturgeon reiterated the parking concern and R. Pickwick noted that the ADA spots are to the center of building two and suggested possibly reallocating them closer.

The Board completed its discussion and the Chair reminded the members that the Site Plan application was continued to the September meeting and it will be on the September 26<sup>th</sup> Planning Board agenda.

**B. Winnisquam Watershed Network (WWN) presentation.**

Lisa Eggleston, President of the Winnisquam Watershed Network (WWN) and Cynthia O'Connell, Program Manager of the WWN presented the WWN Management Plan to the Board.

L. Eggleston gave a brief background of the group that started five years ago, made up of volunteers and they slowly gained steam. The goal is to protect the water quality and control the spread of invasive species, milfoil being a focus, in the watershed network. She noted that there are five municipalities in the WWN.

The Board asked about milfoil, where it was concentrated, and its control. L. Eggleston informed them that it is scattered, mainly to areas where the growing conditions are good. In Belmont, this includes areas near Sunray Shores, Mallard Landing, and Ephrams Cove. She did note that they have been able to use divers to control it, the growth is thinner and more manageable. She noted that a group of volunteer “weed watchers” monitor it as well as other invasives when they are out enjoying the lake. L. Eggleston also noted that the Lake Host program has been effective and has had several “saves”, catching invasives before the boats are put into the water.

C. O’Connell said that the large number of gravel roads in the watershed are one of the biggest causes of sediment ending up in the water. She also noted that they are trying to protect the nutrient load of the watershed.

L. Eggleston commented that Lake Winnisquam is of economic importance to the area. The clear water is an attraction. Recently, due to the nutrient load in the water, the lake has experienced cyanobacteria blooms.

C. O’Connell informed the Board that having a management plan opens the “grant gate” for Environmental Protection Agency (EPA) grant money through the Clean Water Act. She stated that they worked with a consultant for the last two years to come up with a strategy for protecting the lake. As part of this they did a buildout analysis, about 40% of land in seven communities is considered developable. There are things such as current use that may be a factor in slowing development but not stop it. The consultants indicated that a worst case scenario of a full buildout could increase the phosphorous load by 54%, water clarity would decrease, and algae blooms would increase.

L. Eggleston and C. O’Connell said that looking forward they will work with towns to improve stormwater ordinances and regulations. Some of these could include aquifer protection ordinances, and wetlands ordinances.

L. Eggleston informed the Board that three priority projects were chosen as part of a recent Clean Water Grant to act as demo projects to educate local DPWs and municipalities. The projects are Gale Ave in Laconia; Deer Park Beach in Meredith and Kaulback Road in Sanbornton.

They closed their presentation by reiterating that having the management plan opens doors. L. Eggleston also stated that the Watershed Management Plan should be adopted and included as part of the Town’s Master Plan. It was noted that the Master Plan was last updated in 2002 and is on the list to be updated.

**C. Approval of minutes – 7/25/22**

**MOTION:** M. LeClair moved to approve the minutes of July 25, 2022 as written.

Seconded by G. Grant

**VOTE:** All in favor (7-0)

**D. Staff Report :****Land Use Fee Schedule:**

S. Whearty asked the Board to approve an update to the Land Use Fees. She noted that due to the adoption of a recent House Bill (HB 1661), more information must be included on the Notices of Decision. This makes them longer, three pages instead of two, which is a higher cost to record at the Registry of Deeds. She also asked that the language be changed to indicate "plus postage" so that she does not have to keep coming back for approval when the postage rates change.

**MOTION:** J. Pike moved to approve the change to the Land Use Fee Schedule to increase the recording fee to "\$20 plus postage".

Seconded by G. Grant

**VOTE:** All in favor. (7-0)

**Zoning Amendment Discussion:**

S. Whearty informed the Board that she included a list of ideas for amendments in their packets. She noted that a proposed timeline was to propose chosen amendments in draft form in October; first public hearing in November and second public hearing in December. M. LeClair asked about postponing this to the September meeting. S. Whearty said that this would delay the above schedule but can be accommodated. She offered to cull the list and pick some priorities. It was noted there are some amendments that have to be made due to legislative changes and others that have come to light with recent applications (e.g. contractor's yards in the commercial zone); and some minor changes to regulation language to help cure nonconformities as properties are developed. S. Whearty asked the Board to "save the date" of November 14<sup>th</sup> as a possible special meeting/workshop to work on the amendments.

**"Workshop" Meeting:**

She asked the Board about a second meeting each month, one meeting would be a workshop meeting, the other the public hearing meeting. J. Pike commented that this had been done in the past. S. Whearty asked for the Board's thoughts on meeting twice a month. K. Sturgeon asked about the months when it is quiet; D. Grimes commented that they could meet a second time on an "as needed" basis.

**Convenient MD (201-029-001-000):**

S. Whearty updated the Board on the slope issue at Convenient MD. The owner has provided copies of quotes but is having issues finding someone to do the work. She noted that, as expected, the stabilization and repair is expensive. The option of regrading the slope was also suggested by one of the contractors.

**Customer Satisfaction Survey:**

S. Whearty asked for the Board's input on the staff surveys that are sent out. Would they like to see them continued? It was the consensus of the Board that they are not necessary, they recognize staff works hard and does a good job. If someone is not happy with an outcome of an application or interaction they will hear the complaint, they don't need the



survey for that. It will also save time and resources.

E. **New Business.** None.

F. **Non-public Session:**  
**Non-public Session - 91-A:3 II (a & c)**

**MOTION:** P. Harris motioned to enter Non-Public Session per 91-A:3II(a & c) for the purpose of discussing personnel/staffing at 8:41 PM.

Seconded by G. Grant. Motion carried (7-0).

**ROLL CALL:** Chairman Peter Harris (aye), Michael LeClair (aye), Richard Pickwick (aye), Kevin Sturgeon (aye), Gary Grant (aye), Jon Pike Ex-Officio (aye), Dennis Grimes (aye).

The Zoom connection was disabled and all members of the public left the meeting.

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**BEGIN NON-PUBLIC SESSION:**

The Board discussed the current staffing challenges and the future needs of the department. There was conversation about office coverage and schedules for the Land Use Office. The Board suggesting seeking guidance from Town council. S. Whearty explained that she is still hopeful the Land Use Office will find a Land Use Clerk which will help shoulder some of the current work load.

**MOTION:** J. Pike motioned to exit Non-Public Session at 9:08 PM.

Seconded by K. Sturgeon.

**ROLL CALL:** Chairman Peter Harris (aye), Michael LeClair (aye), Richard Pickwick (aye), Kevin Sturgeon (aye), Gary Grant (aye), Jon Pike Ex-Officio (aye) ; Dennis Grimes (aye) - Motion carried (7-0)

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**END NON-PUBLIC SESSION.**


The Board returned to public session at 9:08 PM.

**MOTION:** M. LeClair motioned to adjourn the meeting at 9:09 PM.

Seconded by K. Sturgeon.

**VOTE:** All in favor (7-0)

Respectfully submitted,



Karen Santoro

Land Use Technician