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PLANNING BOARD
TOWN OF BELMONT, NH

Monday, October 24, 2022
Belmont Mill, and Zoom
Belmont, NH 03220

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

Alternates Present: Dennis Grimes

Alternates Absent: Rick Segalini

Staff: Sarah Whearty and Susan Austin

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.

Public Hearing-Capital Improvement Program (CIP) 2023-2028

S Whearty stated that Building and Grounds withdrew their request for the UTV.

MOTION: W. Peterson moved to approve the CIP as submitted.

J. Pike seconded the motion.

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

Plan Submission Meeting and Public Hearing – Paul Zuzgo for Raed Hertel Family Trust:

Continuation of a request for Subdivision Plan approval to subdivide one lot into six. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the “RS” Zone. PB #1122P

S. Whearty informed the Board that the applicant has requested a continuation to the November 28, 2022 meeting.

MOTION: K. Sturgeon moved to Table the Public Hearing on the application of Hertel Raed Family Trust request for subdivision approval to subdivide one lot into six, located on Jamestown Road, Tax Lot 118-016-000-000, to 6pm, November 28, 2022, at this location.

G. Grant seconded the motion.

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

Plan Submission Meeting and Public Hearing – Tap Public House: 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.

S. Whearty informed the Board that the applicant has requested a continuation to the November 28, 2022 meeting.

MOTION: W. Peterson 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 November 28, 2022 at this location.

G. Grant seconded the motion.

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

Plan Submission Meeting and Public Hearing – JCCO Holdings LLC: Request for Site Plan approval for a Contractor’s Yard and Retail Sales. Property is located at 631 Laconia Road, Tax Lot 230-094-000-000 in the “C” Zone. PB #2922P.

S. Whearty stated that new plans submitted were submitted that afternoon based on comments made in the staff report, which was sent out before they received these new plan sets. The suggested conditions can be included in the motion. Because of the late submission, staff did not have time to submit a revised list of suggested conditions.

Craig Bailey, the surveyor of record, was present, along with Johnny Carr, the applicant, to discuss this application. Mr. Bailey stated this lot is located on 631 Laconia Road, the old fiberglass repair location. Under the new ownership, it has been cleaned up significantly. Mr. Carr has received ZBA approval (for a Contractor’s Yard in the Commercial Zone) to run his business out of this property. Tonight, they are asking for site plan approval for a contractor’s yard.

Sheet one of the plan set shows the current status of the lot as undeveloped, partially gravel and partially vegetation. It also shows the existing drainage from NH DOT along the ROW on Route 106. There is an existing workshop as well as an existing single-family home, both of which uses will remain. The part of the lot behind the residence is a nice lawn and field. The mixed use of the lot is kept separated, the residential portion to the south of the driveway, and the commercial portion to the north of the driveway.

Sheet two shows a proposed internal loop coming off, and looping back to, the existing driveway. The intention is to establish a retail business for selling bark mulch, gravel, and other similar items as well as providing the space to allow large trucks to maneuver around the site and deliver those products. This loop was sized accordingly for truck drivers. The proposed material bins will be concrete block. Some of the bins will be set on gravel base, and some will be on asphalt base, depending on the material that will be held in each. Next to the big tree, is a proposed structure where staff members can meet customers and

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process payments. This will be a seasonal office space. There is a proposed shop shown on this page, to be built sometime in the future. Sheet two shows a proposed retaining wall and pad for that structure as part of this application. Behind that proposed future shop, they show employee parking, equipment parking, and one bin that is adjacent to the parking lot that will be a covered salt bin for the company only. There are also two con-ex boxes on site that are used for storage and those will remain. The existing workshop is shown and will be maintained as is. The concrete pad will also remain. Eventually, the intention is to add new pavement from Route 106 all the back to the new workshop.

S. Whearty reminded the applicant that an engineer-stamped design for the wall will need to be submitted at the time of the building permit application.

Sheet three is the landscaping plan. It shows proposed greenspace, proposed asphalt and proposed gravel. On the northwestern corner of the lot, they are proposing a rain garden. This rain garden has been sized for the additional stormwater they expect when gravel is compacted and paved. The raingarden is not a pond, rather an infiltration system. It's there to slow down the water and infiltrate what it can and send it back into the ground. At the bottom of the raingarden is a 6-inch pipe acting as an under drain. There is also a proposed landscaped area to show some of the skills of the landscape company. Erosion control measures are also indicated on sheet three. As the site is constructed, there are wetlands towards the northwest end of the property that will need to be protected with a silt fence, and that is shown on the site plan as well.

Sheet four is a zoomed-in portion of the site plan. It gives a clearer picture of the loop driveway. They have also labeled the stone bins, whether they are on a paved base or a gravel base. Snow storage is clearly marked as well. On the southern side of the existing driveway, there is only one area that will be touched, and that is where they are placing a miscellaneous material bin on a gravel base. Sheet four also shows the proposed profile that shows how they are tiered into the hillside. The drainage flows back into the bins.

Sheet five is another zoomed-in portion of the main site plan. It shows the proposed future shop 60' x 100'. They are planning a retaining wall and concrete pad for that shop. On the existing shop, they propose down cast lighting, as the existing lighting is not sufficient. It shows more snow storage. It shows the con-ex boxes, the existing barn, and a tent structure that is in considerable disrepair. As part of the site plan, they propose to remove that tent structure as it is well into the setback. The existing barn is also partially in the rear setback, but it will remain.

Sheet six shows the rain garden; the cross section shows that it is 8 feet wide. These will be planted with shrubs.

Sheet seven shows the cross section of the head wall. The proposal is to build this with fieldstone.

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.

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1. This action is based on a plan set dated October 4, 2022.
2. Submit final plans (5 full size, 1 reduced, 1 pdf). Submit one copy for approval prior to submitting all required copies. Make the following corrections to the final plans before submitting:
 - a. Remove extra “proposed sign” call out on Sheet 2.
 - b. Show proposed lighting and add a leader from the “low voltage lighting” call out on Sheet 4.
 - c. Explain what the dot-dash line represents (existing edge of RAP).
 - d. Fix the con-ex box labels – orientation, overlapping, etc. (sheet 2)
 - e. Trim the lot lines near Map 224 Lot 43 and Lot 42. (sheet 2)
 - f. Show and label the easement on Sheet 2.
 - g. Fix the extra leader for the dumpster and enclosure on sheet 2.
 - h. Remove duplicate “material bins” callout not pointing to anything. (sheet 5)
3. The proposed retaining wall requires a stamped, engineered design to be submitted at time (or before) of submission of building permit application. No building permit shall be issued until the design has been submitted, reviewed, and approved by the Land Use Office.
4. Work with staff to answer the remaining questions on the stormwater analysis.
5. Evidence of other agency permits obtained. Building permit, updated DOT driveway permit for all site entrances, if necessary.
6. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of \$20.60.
7. Conditions precedent shall be completed no later than 10/24/2023. Active and Substantial development of the approved improvements shall occur no later than 10/24/2024 and improvements shall be substantially completed by 10/24/2026.
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:

9. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
10. Submission of building plans, approved by Building Official and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.
11. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
12. Obtain successful milestone observations from the Building Official, Fire Department, and NHDOT, if required.
13. Occupancy/use of improvements requires submission of 2 paper and 1 pdf as-built site plans completed by a licensed land surveyor including structures, utilities, roads, drainage, and other site improvements.
14. All improvements to be completed or secured (as allowed by the Town) prior to any occupancy of the site.

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

15. Approved uses include: Contractor's yard and retail sales.
16. 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.
17. Dumpsters to be screened on all sides.
18. All salt or salt/sand areas to be roofed and on impervious surface.
19. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
20. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
21. All exterior lighting shall be downcast and shielded from abutters and traffic.
22. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
23. No changes shall be made to the approved plans unless application is made in writing to the Town.
24. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
25. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 10/24/2023 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.
26. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
27. The grandfathered use of the single-family residence shall be considered abandoned if use ceases for more than two years.
28. Operational conditions of the Town and other agencies shall be met.

W. Peterson seconded the motion.

Vote: All in favor (7/0)

Other Business

Approval of minutes – 9/26/22

M. LeClair stated that he would like it clarified that during the Tap House application, the motion failed due to the applicant interrupting the motion.

After discussion by the Board, the members agreed that members of the public shall not speak at a work session or when public input has been closed unless allowed by the Board, and recognized by the Chair.

MOTION: G. Grant moved to approve the minutes of October 26, 2022 as amended

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

Staff Report

Zoning amendments:

S. Whearty stated that she made some changes to the list. Some are based on changes in laws, some are based on holes found with previous applications.

She stated that the first change would be adding numbers to make referencing zoning easier. She stated that it's possible that they will be able to change this without going to Town meeting, she will check with the town attorney.

She mentioned that it would be helpful if they could add definitions and wording in order to clarify some of the ordinances. She stated that they had an applicant who challenged their definition of agritourism, for example. Another example is when an adult daycare facility had to get a variance because the ordinance only specifies children's daycare facilities, not adult. She stated that another example of an issue that has come up this past year is motor vehicle use-the question has come up about where towing falls into uses, because it's not mentioned anywhere. From previous cases, it seems that towing can fall into two uses. If you are towing vehicles to a garage or repo yard, and then coming back and parking your tow truck, it's a contractor's yard. If you are towing the vehicles to your site, that falls under an accessory use under the motor vehicle use. The definition of lot has come up as well: there are some lots that have preexisting non-conforming residential structures on their lots, and previous legal interpretation that was given to the former planner was that if there is a preexisting non-conforming use when they develop the site, they have to cure that. They received new legal advice that said they could not make them remove the structure. The attorney recommended that they change a little bit of the language to make the preexisting non-conforming uses become conforming. They either have to remove them or get approval for them.

The Board went through the proposed changes and discussed the pros and cons.

S. Whearty stated that at the next meeting they will decide which changes they will include in the warrant.

Mitchell Group:

The town attorney is coming to the work session with the Zoning Board on Wednesday, and plan on coming to the work session with the Planning Board next month.

Goodwill Site:

S. Whearty stated that this was approved in 2014, and the site plan says it was to be finished by 2015. The regulations say 4 years, regardless, site is still not complete. If 2015 was a typo, it was a typo on all of the documents that she could find. She would like the Board to decide what they should do about this.

MOTION: J. Pike moved to find the site plan expired.

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

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Staffing Update:

The former Land Use Coordinator retired, and that position has been offered to the current Land Use Clerk, and the Board of Selectmen have approved making the Land Use Clerk full time to provide additional support to both the Land Use Department and the Building Department.

MOTION: J. Pike moved to adjourn at 8:17 PM

G. Grant seconded the motion.

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

Respectfully submitted,

Susan Austin
Land Use Administrative Assistant