



PLANNING BOARD TOWN OF BELMONT, NH

Monday, November 28, 2022
Belmont Mill, and Zoom
Belmont, NH 03220

Present: Vice Chair Ward Peterson, Richard Pickwick, Kevin Sturgeon, Gary Grant, Jon Pike Ex-Officio.

Members Absent: Chairman Peter Harris and Mike LeClair (E)

Alternates Present: Dennis Grimes

Alternates Absent: Rick Segalini

Staff: Sarah Whearty and Susan Austin

6:00 Work Session

Training work shop with Town Counsel.

7:00 Public Meeting

MOTION: J. Pike moved to appoint Dennis Grimes as a voting member.

K. Sturgeon seconded the motion.

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

Vice Chair Peterson opened the meeting at 7:03 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.

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 stated that the applicant has requested a continuation. As no new subdivision plans have been submitted and many substantial items remain outstanding from the comment list provided in July, she suggested denial without prejudice. She stated that the applicant has stated that they are working to get the sewer design completed, but they have not addressed the comments from July. If the Board chooses to continue, she suggests continuing the case until the January meeting due to the December meeting being early and the closing date for that meeting is 11/29/2022.

MOTION: J. Pike moved that the Subdivision application of Hertel Raed Family Trust to subdivide one lot into six, located on Jamestown Road, Tax Lot 118-016-000-000, be denied without prejudice because many design components remain outstanding. This file will be closed. Any further proposal for this property shall require a new application, conforming with all the current requirements, including fees and noticing. The applicant should address all of the outstanding comments from the previous staff reports, particularly July 2022, prior to submitting a new application.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried. (6-0)

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.

Phil Brouillard and Jon Rokeh were present to discuss the application. P. Brouillard stated that he submitted the shared parking plan that the Board requested at the previous meeting. He concluded that the problem with parking is on the weekends. He asks that the Board approve the application with the condition that if any problems arise, they can be brought back before the board.

MOTION: J. Pike moved to waive the 24’ aisle width requirement (Site Plan Review Section 9-6. E.4.b) because to require this would remove space for parking.

G. Grant seconded the motion.

Vote: All in favor, motion carried. (6-0)

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:

1. This action is based on a plan or plan set dated 8/7/2021, received 9/6/2022.
2. Submit final plans (4 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) Correct the Map and Lot number in the title block – it should be updated to reflect the current map and lot number (122-057-000-000).
 - b) Provide retaining wall construction details.
 - c) Provide the distance from the wall to property line.
 - d) Include parking space calculation on plan.
 - e) Show snow storage locations. Add a note to the plan that any excess snow will be hauled off-site and disposed of in accordance with NHDES regulations.
 - f) Provide traffic flow markings and signage.

- g) Add “no parking”, “authorized vehicles only”, or similar signage to gravel drive to ensure it remains accessible for emergency vehicles. (As represented at the ZBA meeting)
 - h) Provide a van-accessible ADA parking spot and 1 ADA spot per 25 spaces as required by law.
3. Evidence of other agency permits obtained. Building permit, updated DOT driveway permit for all site entrances, if necessary.
 4. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of \$20.60.
 5. Conditions precedent shall be completed no later than 11/28/2023. Active and Substantial development of the approved improvements shall occur no later than 11/28/2024 and improvements shall be substantially completed by 11/28/2026.
 6. 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):

7. Construction shall begin by 6/24/2023 or new approvals from the Zoning Board will be required.
8. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
9. Submission of building plans, approved by Building Official and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.
10. 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.
11. Obtain successful milestone observations from the Building Official, Fire Department, and NHDOT, if required.
12. Occupancy/use of improvements requires submission of 2 paper and 1 pdf as-built site plans including structures, utilities, roads, drainage, and other site improvements. Distance between deck and side property line and distance between the proposed retaining wall and the State’s ROW to be certified by a licensed land surveyor.
13. All improvements to be completed or secured (as allowed by the Town) prior to any occupancy of the site.

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

14. Approved uses include addition of a deck designated for outdoor restaurant/bar seating and service.
15. Comply with Aquifer Protection district regulations.
16. Successful annual aquifer inspections required.

17. 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.
18. Dumpsters to remain screened on all sides and should be placed on an impervious surface (asphalt/concrete).
19. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
20. Any changes in tenancy require a Change of Tenant/Use application submitted to the Land Use Office. If Staff determines the change is significant, particularly if it will have an impact on parking, Site Plan review by the Planning Board may be required.
21. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
22. All exterior lighting shall be downcast and shielded from abutters and traffic.
23. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
24. No changes shall be made to the approved plans unless application is made in writing to the Town.
25. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
26. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 11/28/2023 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.
27. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
28. Operational conditions of the Town and other agencies shall be met.

D. Grimes seconded the motion.

Vote: All in favor, motion carried. (6-0)

Plan Submission Meeting and Public Hearing – Donald Hurd: Request for a Boundary Line Adjustment transferring 0.10 acres from Tax Lot 215-021-000-000 to Tax Lot 215-020-000-000. Properties are located at 245 & 237 Hoadley Road in the “R” Zone. PB #3122P

WAIVER REQUESTS:

MOTION: J. Pike moved that the request to waive Utilities, Paved Areas, Rock Ledges (Subdivision Plan Regulations Section 5.D.1E) be granted because no development is proposed as part of this application.

K. Sturgeon seconded the motion.

Vote: All in favor, motion carried. (6-0)

MOTION: J. Pike moved that the request to waive Buildings, Septic Systems, Well Radii, Cemeteries/burial grounds, intersecting roads/driveways on site and within 100' (Subdivision Plan Regs Section 5.D.1F & G) because no development is proposed as part of this application.

K. Sturgeon seconded the motion.
Vote: All in favor, motion carried. (6-0)

MOTION: J. Pike moved that the request to waive Topo Plan (Subdivision Plan Regs Section 5.D.2) because no development is proposed as part of this application.

K. Sturgeon seconded the motion.
Vote: All in favor, motion carried. (6-0)

MOTION: J. Pike moved that the request to waive Soils Map & Report (Subdivision Plan Regs Section 5.D.3) because no development is proposed as part of this application.

K. Sturgeon seconded the motion.
Vote: All in favor, motion carried. (6-0)

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 2/1/2023 subject to extension or waiver.

D. Grimes seconded the motion.
Vote: All in favor, motion carried. (6-0)

Vice Chair Peterson 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: J. Pike moved that the proposal does not have a potential regional impact.

G. Grant seconded the motion.
Vote: All in favor, motion carried. (6-0)

Donald Hurd and David Krause, LLS, were present to discuss the application. D. Krause stated that they propose to annex parcel "a", which is 5, 201 square feet, from the Gardner property to the Hurd property, which is just under 1 acre. This would make Mr. Hurd's property a more conforming lot.

There will be no increase in attendance at public schools, there will be no increase in traffic, municipal costs, or public utilities.

Vice Chair Peterson opened the public hearing. There was no public comment so he closed the public hearing portion of the meeting.

MOTION: R. Pickwick 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:

1. This action is based on a plan dated November 4, 2022.
2. Submit final plans (2 mylar, 3 full size, 1 reduced). Submit one copy electronically for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a) All pins/bounds to be set and so certified on final plan.
 - b) Final plans to be stamped/signed by a Licensed Land Surveyor.
 - c) Add statement to the plan: "This plat meets all Zoning and Subdivision Regulations of the Town of Belmont in effect as of the date of filing unless waivers have been requested in writing."
 - d) Add statement to the plan: "The approval of this plat is subject to revocation in compliance with the Belmont Subdivision Regulations and NH RSA 676:4-a."
 - e) State certification is required for Boundary Line Adjustments unless the surveyor certifies on the plan that the proposal is exempt under NH RSA 485-A:33,II.
3. Payment of decision recording fees. One check made payable to BCRD for Plan and Notice of Decision recording fee-\$46.60 (\$26 & \$20.60) and second check made payable to BCRD for LCHIP fee \$25.
4. Conditions precedent shall be completed no later than 11/28/23.
5. Final plans will not be recorded until transferring deed(s) have been approved by the Town and are also signed and ready for recording along with any subordination documents. Proposed transfer deed to be submitted to Town for review and approval prior to signing.
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 11/28/23 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. (6-0)

Plan Submission Meeting and Public Hearing – Aquarion Water Company: Request for a Conditional Use Permit for the addition of a 500-gallon propane tank. Property is located on South Road, Tax Lot 235-027-000-000, in the “R” Zone. PB #3222P

Josh Davis from Aquarion Water was present to discuss his application. He stated that Aquarion Water has a pump station located on the property; they would like to install a generator with a propane tank that feeds it. This will be an emergency power source. The property is remote, and if they lose power, the system will depressurize which will cause loss of water to people and will cause quality issues to the water. Aquarion Water serves 22 houses on Tioga Drive and a few adjacent roads. This will build redundancy and keep their water reliable for that area.

MOTION: J. Pike 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 2/1/2023 subject to extension or waiver.

G. Grant seconded the motion.

Vote: All in favor, motion carried. (6-0)

Vice Chair Peterson 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: K. Sturgeon moved that the proposal does not have a potential regional impact.

D. Grimes seconded the motion.

Vote: All in favor, motion carried. (6-0)

Vice Chair Peterson opened the public hearing. There was no public comment so he closed the public hearing portion of the meeting.

MOTION: R. Pickwick 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:

1. This action is based on a plan dated November 4, 2022.
2. Payment of decision recording fees, check made payable to BCRD (or cash) for Notice of Decision recording fee (\$20.60).

3. Conditions precedent shall be completed no later than 11/28/23.
4. Compliance hearing shall be held by Board as necessary.

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

5. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
6. No changes shall be made to the approved plans unless application is made in writing to the Town.
7. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 11/28/23 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.
8. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried. (6-0)

Plan Submission Meeting and Public Hearing-CJM Industries, Route 3, Tax Map/Lot: 201-016-000-000 James & Carey McLoud, 45 Westview Dr., Tax Map/Lot: 201-025-000-000 Request for a Subdivision Plan approval to subdivide two lots into eight. PB #3322P Conditional Use Permit for alternate access to two lots of the proposed subdivision. PB #3422P

Nicholas Golon, P.E., from TFMoran was present, along with James and Carey McLoud, property owners.

N. Golon stated that the proposal is to merge and then subdivided to provide 8 year-round, single-family lots. The properties are located on NH Route 3 and 45 Westview Drive. The proposed lots will be served by Eversource Energy, private water wells, septic systems, and natural gas. Access to the site will be via a proposed paved Town road with a cul-de-sac turnaround off NH Route 3. A 50 foot right of way will extend from the Route 3 prior to expanding to the 200' in width cul-de-sac. He stated that they are also requesting a Conditional Use Permit for alternative access to two lots, and waivers for Super Elevated Road and connection to municipal sewer.

S. Whearty stated that the waiver for the sewer connection is not required because the applicant is not allowed to connect to the pressurized interceptor pipe that runs along Route 3. There was discussion from the Board about an additional line in Laconia they may be able to connect to. The Board requested that the applicant reach out to Laconia to determine if Laconia would require them to connect. The waiver request for not connecting to sewer was not acted on at this time.

MOTION: J. Pike moved that the request to waive super-elevated road (Subdivision Plan Regulations Section 9.E, Exhibits 3&4) because the engineer will be responsible for

ensuring adequate drainage is provided. The most common concern with super-elevated roads is icing, which can be mitigated with other design components.

K. Sturgeon seconded the motion.

Vote: All in favor, motion carried. (6-0)

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 2/1/2023 subject to extension or waiver.

J. Pike seconded the motion.

Vote: All in favor, motion carried. (6-0)

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: J. Pike moved that the proposal does not have a potential regional impact.

D. Grimes seconded the motion.

Vote: All in favor, motion carried. (6-0)

S. Whearty stated that this is being sent to Fuss and O'Neill for review of the road, drainage and traffic, therefore additional time is needed to allow for this review.

Vice Chair Peterson opened the public hearing. There was no public comment so he closed the public hearing portion of the meeting.

MOTION: R. Pickwick moved to table the public hearing on the application of CJM industries request for a Subdivision Plan approval to subdivide two lots into eight, and for a Conditional Use Permit for alternate access to two lots of the proposed subdivision located on Westview Drive and NH Route 3, Tax Lots 201-016-000-000 and 201-025-000-000 to 6pm, December 19, 2022 at this location.

D. Grimes seconded the motion.

Vote: All in favor, motion carried. (6-0)

Other Business:

Approval of minutes – October 24, 2022

MOTION: K. Sturgeon moved to approve the minutes of October 24, 2022 as written.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried. (6-0)

Public Hearing-Zoning Amendments:

The Board felt that there were too many amendments proposed to put forth to the voters. Discussion ensued as to how to cut down on the amendments so as not to confuse the voters. The Board decided not to move forward with items 6-8, but to consolidate components of the Alternative Treatment Centers/Cultivation Locations and Solar sections into Article 15, Definitions, and Article 5 Table 1, Table of Permitted Uses.

Staff Report:

Lot merger, 21 Elaine Drive, 107-175-000-000 & 107-176-000-000:

S. Whearty stated that they have received a request to merge lots 107-175-000-000 & 107-176-000-000.

MOTION: Based on a finding that no Ordinance or Regulation violation will result, K. Sturgeon moved that the Planning Board approve the merger of: Lots 107-175-000-000 & 107-176-000-000 (retaining 107-176-000-000).

R. Pickwick seconded the motion.

Vote: All in favor, motion carried. (6-0)

Casella, 43 Industrial Drive, 235-043-000-000:

S. Whearty stated that Casella has asked if they could add a 10 x 12 shed to their site. In the past when someone is making a minor change to their site plan, it's just been brought to the board for a vote.

MOTION: D. Grimes moved to approve adding a 10 x 12 shed to Casella's site plan.

K. Sturgeon seconded.

Vote: All in favor, motion carried (6-0)

Convenient MD, 77 Daniel Webster Highway, 201-029-001-000:

S. Whearty stated that Convenient MD has signed a contract with to remove tree trunks, install erosion control, install rip rap, and repair erosion.

Solid Waste Ordinance

S. Whearty stated that the Town Administrator has been working on the Solid Waste Ordinance in order to clarify some language.

Town Planner Resignation

S. Whearty distributed her resignation letter and stated that she has submitted her resignation to the Town Administrator earlier that day. She has learned a lot in the past year and appreciates having been given this opportunity. The December meeting will be her last Planning Board meeting as an employee of the Town. She offered to be available to assist the new Planner as much as needed.

MOTION: K. Sturgeon moved to adjourn at 9:25 pm.

D. Grimes seconded the motion.

Vote: All in favor, motion carried. (6-0)

Respectfully submitted,

Susan Austin
Land Use Administrative Assistant