



PLANNING BOARD
TOWN OF BELMONT, NH

Monday, December 19, 2022
Belmont Mill, and Zoom
Belmont, NH 03220

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

Members Absent: Ward Peterson

Alternates Absent: Dennis Grimes, Rick Segalini

Staff: Sarah Whearty and Susan Austin

Chairman Harris opened the meeting at 6:03 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 – CJM Industries: Continuation of:
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
Properties are located at Route 3 & 45 Westview Drive, Tax Lots 201-016-000-000 and 201-025-000-000
in the "C" and "R" Zones.

S. Whearty stated that the plans have been sent to the Land Use department's engineering consultant to review the road, drainage, and traffic. Additional time is required to facilitate this review.

MOTION: K. Sturgeon 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, January 23, 2023, at this location.

J. Pike seconded.

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

Plan Submission Meeting and Public Hearing – Peter M. Palmer: Request for a Subdivision Plan approval to subdivide one lot into two. Property is located at 66 Diane Drive, Tax lot 201-052-000-000 in the "RS" Zone. PB#3522P

Steven Nix, Peter Palmer, and Angelo Palmer were present for this application. Mr. Nix stated that the property is located on Old Ladd Hill Road, which is a Class VI road. The parent parcel is 63 acres, and they have requested a waiver for surveying entire lot. The existing farm is located on the parent lot with a driveway off of Diane Drive.

COMPLETENESS OF APPLICATION

MINOR SUBDIVISION – subdivision of three or fewer lots including the remaining lot. Applicants for a minor subdivision shall be exempt from the following requirements, except in cases where the Board shall determine otherwise during the course of their review of the application: Aquifer Plan, Utilities and Fire Protection Plan, and Stormwater Management and Erosion Control Plan and Report.

MOTION: J. Pike moved that the proposed subdivision qualifies as a minor subdivision.

M. LeClair seconded.

Vote: All in favor, motion carried. JP/ML vote 6/0

WAIVER REQUESTS:

MOTION: J. Pike moved to grant the request to waive the requirement of a survey of the entire (60+ac) lot (Subdivision Plan Regulations Section 5.D.1.C) because all the information required to create the new, 13-acre lot will be provided.

K. Sturgeon seconded.

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

MOTION: K. Sturgeon moved to grant the request to waive Wetlands Mapping (Subdivision Plan Regs Section 5.D.3) because a certified wetland scientist completed a site investigation in the area of the proposed home and concluded that there is at least 1.3 acres of upland area suitable for constructing a single-family home. Additionally, waiving the mapping requirement does not absolve the applicant from meeting NHDES's requirements for permitting in the event wetlands are present.

G. Grant seconded.

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

MOTION: Jon Pike moved to grant the request to waive Soils Mapping (Subdivision Plan Regs Section 5.D.3) because a certified wetland scientist completed a site investigation in the area of the proposed home and concluded that there is at least 1.3 acres of upland area suitable for constructing a single-family home.

K. Sturgeon seconded.

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 2/22/2023 subject to extension or waiver.

J. Pike seconded.

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

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. PH/KS vote 6/0

MOTION: P. Harris moved that the application does not have regional impact.

K. Sturgeon seconded.

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

Departmental Response:

Public Works/Water/Sewer: As noted during ARC, town maintenance ends at golf course turnaround.

Town Assessor: Property is in Current Land Use. One copy of the final plan showing the Not-in-Current-Use area for both lots is required and the Town Assessor should be contacted regarding questions on any Land Use Change Tax Penalty process that may result. Assessing adjustments resulting from this proposal will occur only on the April 1st assessment date following the recording and/or commencement of project.

Land Use Technician: Utilities must be underground, Show New England telephone easement on plan.
Planner:

- Waiver of municipal liability required.
- NHDES approved septic design for 4-bed house to be submitted with building permit.
- The plan may be too busy for the Registry. It may be beneficial to create a plan without soil information and topography.

S. Nix stated that applicant would like above ground utilities if possible. M. LeClair stated that the town voted against any new above ground utilities. If they were to allow it for this application, that would set a precedence.

MOTION: I move 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: ML/GG vote 6/0

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 11/16/22.
2. One copy of the proposed plan should be submitted to Eversource for information purposes.
3. Submit final paper plans (4 full size, 1 reduced, 1 pdf). Submit 2 mylar copies of the subdivision sheet(s) suitable for recording. Submit one copy (preferably electronic) for approval prior to submitting all required copies.
4. Add/identify/include/correct on plan:
 - a) Show New England Telephone Easement

- b) Add note that utilities must be underground.
- c) Final plan shall be signed and stamped by a LLS.
- 5. Provide a copy of the proposed access easement to the Land Use Office for our records.
- 6. A Waiver of Municipal Liability must be signed and recorded before a certificate of occupancy is issued.
- 7. Payment of decision recording fee. Checks made payable to BCRD in the amounts to be determined (mylar, LCHIP, notice of decision, and waiver of municipal liability).
- 8. Conditions precedent will be met no later than 12/19/2023.
- 9. 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.

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

- 10. Any monumentation disturbed or destroyed during construction shall be replaced.
- 11. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- 12. No changes shall be made to the approved plans unless application is made in writing to the Town.
- 13. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
- 14. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 12/19/23 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 12/19/2024. Construction to be substantially complete no later than 12/19/2026. (674:39) 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.
- 15. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
- 16. Board of Selectmen approval required to develop on a Class VI Road.

2nd Public Hearing - Zoning Amendments

S. Whearty stated that the Board could vote to put these on the ballot for 2023 tonight as is, but if they wanted to make any changes to the text, they would need to hold another public hearing.

Amendment 1: Add housekeeping clause to Article 1 to allow the Planning Board to make non-substantive changes such as correcting typos and adding bullets without requiring a vote at Town meeting.

MOTION: J. Pike moved to send Amendment 1 to the ballot.

K. Sturgeon seconded.

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

Amendment 2: 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.

MOTION: J. Pike moved to send Amendment 2 to the ballot.

G. Grant seconded.

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

Amendment 3: 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.

MOTION: J. Pike moved to send Amendment 3 to the ballot.

M. LeClair seconded.

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

Amendment 4: Add new definition of solar as any ground or roof mounted solar collection system, add solar as a permitted use in all Zones for agricultural and residential purposes, and add commercial solar as a permitted use in the Commercial and Industrial Zones and permitted by Special Exception in the Rural Zone.

MOTION: M. LeClair moved to send Amendment 4 to the ballot.

R. Pickwick seconded.

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

Amendment 5: Change definition of Storage Facilities in Article 15 to include shipping containers and add Shipping Containers to the Storage Vehicles and Trailers Use in Article 5 Table 1, Table of Permitted Uses.

MOTION: K. Sturgeon moved to send Amendment 5 to the ballot.

R. Pickwick seconded.

Vote: Motion carried. (5/0/1 P. Harris abstained)

Amendment 6: Expand the definition of Day Care Facilities in Article 15 to include all establishments offering care for any individual, rather than just facilities offering care for young children.

MOTION: M. LeClair moved to send Amendment 6 to the ballot.

K. Sturgeon seconded.

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

Amendment 7: Change definition of Frontage to clarify that Right-of-ways do not provide frontage unless they meet the requirements of RSA 674:41.

MOTION: J. Pike moved to send Amendment 7 to the ballot.

R. Pickwick seconded.

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

Amendment 8: 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.

MOTION: M. LeClair moved to send Amendment 8 to the ballot.

G. Grant seconded.

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

Seeing no public comment, Chairman Harris closed public hearing.

Approval of Minutes- 11/28/2022

MOTION: J. Pike moved to approve the minutes of November 28, 2022 as written.

K. Sturgeon seconded the motion.

Vote: Motion carried. (5/0/1 M. LeClair abstained.)

Staff Report

S. Whearty stated that the Planning Board and ZBA Rules of Procedure need to be updated to remove reference to Corner meeting house and which room the meetings are held in.

MOTION: R. Pickwick moved to update the procedures to reflect that the meetings will be held at the Belmont Mill.

G. Grant seconded.

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

88 Ladd Hill (201-068)

S. Whearty stated that 88 Ladd Hill (201-068) used to be Top of the Town Restaurant and is now multifamily residence. She asked if the Board would like them to file a Minor Site Plan, or a Change of Use?

MOTION: J. Pike moved to require that the owners of 88 Ladd Hill Road file for a change of use to reflect that the use is now multifamily residential.

R. Pickwick seconded.

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

16 Eastgate Park (217-103)

S. Whearty stated that 16 Eastgate Park (217-103) has filed for a change of tenant to convert a machine shop to medical offices-change of tenant/use. Does the Board feel that they need a Site Plan?

MOTION: K. Sturgeon moved that a Site Plan is not needed for this change of use.

J. Pike seconded.

Vote: All in favor, motion carried. (5/0/1 M. LeClair stepped away from the table)

LRPC Commissioner(s)

S. Whearty stated that the Town is entitled to 2 Commissioners and 1 alternate. Representatives for these positions are nominated by the planning board and appointed by the selectboard. Terms of office shall be for 4 years, but initial appointments shall be for 2 and 4 years in order to stagger expiration dates. Any subsequent reappointments shall be for 4-year terms. Whereas the current Commissioner's term expires July 19, 2023, the first appointed Commissioner would assume the balance of his term and then have to be reappointed for a full 4-year term in July. A second appointed Commissioner would start a new term from the date of his/her appointment, ending 2 years thereafter. Any alternate could be for either a 2- or 4-year appointment.

MOTION: K. Sturgeon moved to nominate Dennis Grimes as a LRPC Commissioner.

J. Pike seconded.

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

Contract Work

S. Whearty presented a proposal for consultant work after she leaves the Town.

MOTION: J. Pike moved to adjourn at 7:15 PM

G. Grant seconded the motion.

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

Respectfully submitted,

Susan Austin
Land Use Administrative Assistant