Monday, June 22, 2020
Belmont Corner Meeting House
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Michael LeClair, Gary Grant, Richard Pickwick, Jon Pike, Ex-Officio; Alternate Member Dennis Grimes.

Absent: Member Rick Segalini, Jr.

Staff: Dari Sassan, Rick Ball, Steve Paquin, and Colleen Akerman.

The Chairman called the meeting to order at 6:04 pm and welcomed those in attendance. He announced that as Chairman of the Belmont Planning Board, he finds that due to the state of emergency declared by the governor, this public body is authorized to meet using electronic means. He said that the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he announced that any party experiencing any difficulty in accessing the meeting at any point, should call 603-267-8309, and the meeting will be recessed until access can be restored for all parties.

D. Grimes was appointed as a voting member.

1. Public Hearing – Pike Industries: Continuation of a request for Earth Excavation approval to increase quarry depth. Property is located at 308 Depot Street, Tax Lots 235-058-000-000, 232-031-000-000 & 236-014-000-000 in the “I” & “R” Zones. PB# 1019P.

MOTION: P. Harris moved to continue Pike Industries Case 10-19 to the July 27, 2020 Planning Board meeting and to accept the applicant’s waiver of the 65-day timeline set forth in RSA 676:4, consistent with the requested continuance to July 27, 2020.

The motion was seconded by M. LeClair, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

2. Plan Submission Meeting and Public Hearing – Blue Sky Enterprises: Request for Earth Excavation approval to transfer 2007 Earth Excavation approvals to Mountain Made Materials. Property is located at 224 Hurricane Road, Tax Lot 231-014-000-000 in the “R” Zone. PB # 0520P.

D. Sassan explained that Mr. Howard Warren requested this case be tabled. J. Pike expressed concern about the bond. D. Sassan reported that it is being addressed. J. Pike asked if they were still hauling gravel out of there today, and if they disregard the bond, shouldn’t they cease and desist. D. Sassan said yes, it is being addressed.

MOTION: M. LeClair moved to table Blue Sky Enterprises Case 0520P to the July 27, 2020 Planning Board meeting.
The motion was seconded by W. Peterson, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

3. Plan Submission Meeting and Public Hearing – Lakes Region Community Developers: Request for site plan approval for a Day Care facility. Property is located on Concord Street, Tax Lot 126-026-001-000 in the “V” Zone. PB # 0620P.

The Chairman stated there were no waiver requests on the completeness of the application.

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 8/26/2020 subject to extension or waiver.

The motion was seconded by R. Pickwick and carried. (7-0)

The chairman stated the following definition will be used to determine if the applications before the Board tonight have a regional impact. He explained 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: W. Peterson moved that the proposal does not have a potential regional impact.

The motion was seconded by R. Pickwick and carried. (7-0)

The chairman opened the public hearing.

Mr. Steve Smith and Mr. Bill Stack of Steven J. Smith & Associates were present for this application.

Mr. Smith explained that he is representing the Save Our Gale School organization and Lakes Region Community Developers (LRCD) for this site plan. The property is a 1-acre parcel in the Village and Aquifer Protection Districts. This lot was subdivided by the Planning Board in January 2020 to remove a 1-acre parcel out of lot 126-026-000-000. The new lot was conveyed to the Save Our Gale School organization. Mr. Smith displayed an existing conditions plan for the Board. It is located on Concord Street and there is a trailer shown that has since been removed. The property has an easement to the Town shown through the middle of the property. There is a catch basin system to the brook. Steven J. Smith & Associates designed the system a number of years ago. The majority of the property is an open field with the exception of some trees on the northern boundary line. It is located on municipal sewer. There are very good sight distances over 450 feet in both directions. The majority of the soil is tampered loamy fine sand. There is no ledge down to 13 and ½ feet.
The next plan Mr. Smith displayed was for proposed improvements. He said the purpose is to develop the lot and relocate the Gale School building to the lot. The building is shown on the plan to the south side of the property towards the back. Two new access points are proposed: one near where the trailer was located and one to the northerly side. There is proposed paved parking for 35 spaces with 2 ADA spaces. There is a 12-foot wide drop-off zone out of the travel way. There will be a sidewalk along the parking area and ADA access into the building. There will be new utility connections, including a wye connection for future development of the remaining land. The proposal includes sprinklers for the building, an outside play area in the rear, and a 6’ high stockade fence along the northerly boundary to buffer and shield the residence that is close by. Native species of trees will be planted with 3” trees at 6” above the root ball. All disturbed areas will be loamed, seeded, and grassed.

Mr. Smith stated that stormwater will be captured under the parking lot area in an underground detention area. The proposal includes a rain garden around the building perimeter. A shallow swale will intercept general drainage off-site, onto the site, and into the catch basin. There is natural runoff. Snow storage areas are proposed, as well as a sign near the entrance and exit, and downcast dark sky compliant lighting. There is a narrative that notes day care hours will be from 6:30 am to 6:30 pm, Monday through Friday. If this plan is approved, the building will be placed on a new foundation and the location will be staked out. The building will be moved and left on stilts. LRCD is working on the grants for this project and one problem is there is no architect yet to take care of the design. If there is no approval, there will be no new foundation placed.

M. LeClair asked what the timeline is for the project. Mr. Smith estimated 6-9 months. Save Our Gale School committee member Mr. Woody Fogg commented that the committee is raising money and will install the foundation as soon as possible. They will be dropping plumb lines to get the foundation in the right place.

J. Pike asked about the existing drain line through the property. Are they going to tie into that? Mr. Stack answered that they will utilize what is already there. J. Pike commented that it took 25 years to get that easement and we want to be sure there is enough drainage.

Mr. Stack explained that there are good soils on site that will be utilized to provide treatment with chambers. They have captured the majority of the pavement except a little bit on the front, to send water into the pond with only minor water added to the front basin. Infiltration of the chambered system in combination with the roof system with rain guards means there isn’t any increase to that system. There are 48 36-inch high plastic chambered pieces at 32 ½ feet wide by 53 feet long with crushed stone over and under. It acts as a large sponge and goes up and down very gently. It is an accepted way of treating paved areas. With the rain garden around the building there should be no water added to neighboring sites.

D. Grimes asked if ADA access is required in the back for the playground. Mr. Stack explained there is no architect for the project yet. If they need to, they will get back to it. They are not sure if an elevator will be needed in the building as well. There is no architectural plan yet. They have done the best they can without a plan but may need to come back to the Board with regards to handicap access and other items.

P. Harris asked for confirmation that none of those items will affect the ability to run a daycare center. Mr. Smith said no.
R. Pickwick asked when the school will be moved. Mr. Fogg responded that it would be in July. They are prepping the building this week and will be taking out the foundation and getting cribbing underneath it.

G. Grant remarked that day cares are a state regulated business, and questioned if this daycare has approval. Mr. Smith explained that the state cannot approve a day care until the facility exists.

The chairman asked if anyone in the audience had additional questions or comments. There being none, he closed the public hearing.

**Board’s Action – Lakes Region Community Developers:**

**MOTION:** M. LeClair 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 set dated 4/10/2019
2. Submit final plans (7 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
   a. Note stricter setback requirements applicable to non-residential uses in the Village district.
   b. Confirm site address and revise if necessary.
3. Security (reclamation): Prior to any site work security shall be provided for closure in case of abandonment. Applicant shall submit engineer’s cost estimate of closure costs to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an amount to be set by Town based upon engineer’s estimate.
4. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of $20.60.
5. Applicant shall sign and return copy of Land Use Inspection Schedule.
6. Conditions precedent shall be completed no later than 6/22/2021. Active and Substantial development of the approved improvements shall occur no later than 6/22/2022 and improvements shall be substantially completed by 6/22/2025 or shall be in accordance with the approved buildout schedule.
7. 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):
8. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.

9. Evidence of permits obtained, including Belmont Driveway Permit, Sewer and Water.

10. Obtain state and town approved 911 address and USPS approved box/location.

11. Submission of building plans, approved by Building Inspector and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.

12. Property owner shall install all required traffic/access control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations, including security cameras as required by the Police Department.

13. Obtain successful milestone observations from Land Use Staff as listed on Land Use Inspection form and additionally and separately all required inspections by the Building Official, Fire Department and Public Works Department.

14. Evidence of other agency conditions achieved.

15. Security (outstanding required improvements): Prior to occupancy/utilization security shall be provided for all outstanding plans, improvements, or guarantee of improvements. Applicant shall submit engineer’s cost estimate of all outstanding and to-be-guaranteed work to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an amount to be set by Town based upon engineer’s estimate.

16. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements.

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

17. Approved uses include: day care facility.

18. Successful annual aquifer inspections required.


20. 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.

21. All representations made by the applicant during the public hearing are incorporated as a condition of this approval; subject to change for architectural plans.

22. Vegetation and landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.

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; subject to change for architectural plans.

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 6/22/2021 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.

The motion was seconded by W. Peterson, and carried on a roll call vote by D. Grimes, W.
Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

4. Plan Submission Meeting and Public Hearing – BMBH Real Estate Holdings LLC: Request for
Earth Excavation Permit. Property is located at 33 Province Road, Tax Lots 240-028-000-000 &
240-030-000-000. PB # 0820P.

The chairman explained this request is for an Earth Excavation permit for 1.9 acres, 14,970 cubic
yards for 10 years. It is located on the site of previous earth excavation activity. There is an on-site wood
processing/sales business. The site is within the Commercial zone and the Aquifer Protection district.
The same proposal was approved in 2011. The approved excavation was not needed at the time and it
was never activated. Conditions of approval were not met and approval expired. There are no waiver
requests on the completeness of the application.

MOTION: W. Peterson 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
8/26/2020 subject to extension or waiver.

The motion was seconded by G. Grant, and carried on a roll call vote by D. Grimes, W.
Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

MOTION: W. Peterson moved that the proposal does not have a potential regional impact.

The motion was seconded by J. Pike, and carried on a roll call vote by D. Grimes, W.
Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

The chairman opened the public hearing. He noted there are no departmental concerns at this time.

Mr. Jon Rokeh of Rokeh Consulting was present for this application.

Mr. Rokeh explained that he is here on behalf of the same gentlemen who have the lease to own
on the property for the kiln dried firewood business. He worked on this plan in 2011 with Mr. Bill Nutter
and Mr. Mark Mooney. They decided not to pursue it and the approval expired. Mr. Rokeh went to the
ARC with the same plan as 2011. There are no zoning issues. The firewood business was in place at that
time and the haul roads and access are the same. The bond amount has been updated and they are ready
to post it right away. All conditions are ready to be fulfilled from the last approval.

M. LeClair asked about hours of operation. Mr. Rokeh suggested it may be 7 am to 5 or 6 pm
during the week and 7 am to 12 pm on weekends. M. LeClair asked if the owner was available and Mr.
Rokeh said not during this meeting. M. LeClair noted item #18 in the Staff Report stipulates the hours as
Monday through Friday, 7am to 5 pm, and Saturday 7 am to 12 pm excluding town holidays. Mr. Rokeh
noted that the hours are also shown on the plan.

Mr. Rokeh stated there are just over two acres total and this is a short-term operation. There is not much material there. M. LeClair questioned the 10-year permit. Mr. Rokeh indicated that the project would probably be done before 10 years and could deplete quickly depending on the contracts they get. If they don’t deplete it quickly, there will be hardly any traffic.

Abutter Mr. Rich Bergeron from 107 Cotton Hill Road asked about a survey of lot 30. He would like to see where his back line is and he only found one tag on one tree. Mr. Rokeh explained there is 300-400 feet of woods at that line. Mr. Bergeron asked if a survey has been done to show the back line of the lot. Mr. Rokeh stated that Mr. Ron Johnson did the survey. Mr. Bergeron said he would like to see if the line could be marked better. M. LeClair observed that surveyors go from point A to point B and do not delineate every abutting property, so there won’t be pins on every lot. It is not up to the applicant to do this. Mr. Rokeh stated they would be willing to mark some of that line for Mr. Bergeron. W. Peterson asked how close the project is to property lines. Mr. Rokeh explained that on that property line it isn’t close. It is close to a different property line, but that property is owned by the applicant and the other property is a different sand and gravel lot.

The chairman asked if anyone in the audience had additional questions or comments. There being none, he closed the public hearing.

**Board’s Action – BMBH Real Estate Holdings LLC:**

**MOTION:** M. LeClair 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 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 3/14/2011.
2. Submit final plans (7 full-sized paper copies, 1 reduced-sized paper copy):
   a. Add note that mitigation shall be applied for fugitive dust and public highway debris.
   b. Correct note that says term will end in 2016 or upon completion, change to “June 22, 2030 or upon completion, whichever occurs sooner”.
   c. QAP shall include note of the following BMPs:
      i. Aquifer Protection Best Management Practices Tri-Town Aquifer Project April, 2007
      ii. NHDOT Best Management Practices for Roadside Invasive Plants
      iii. Fugitive Dust, NH DES Fact Sheet ARD-42
      iv. WQE-1 AoT Permit Requirements for Sand & Gravel Pits;
      v. WQE-3 AoT Permits- When are they Required;
      vi. Env-Sw302.03 Solid Waste Permit Exemptions (waste cement, brick, bituminous concrete);
      vii. WMD-SW-7 Stump & Brush Management
viii. WD-DWGB-26-8 Water Efficiency Practices for Quarries and Sand & Gravel Operations

ix. WD-DWGB 22-4 Best Management Practices (BMPs) for Groundwater Protection

3. Permits:
   a. Town Permit is to 6/22/2030. Permit is non-transferrable. Requires submission of annual report to the Planning Board and Compliance Hearings every 5 years, beginning on or prior to 6/22/2025.
   b. NH Alteration of Terrain Permit shall be obtained as required.
   c. Air Quality and other required environmental permits shall be obtained.

4. Applicant shall sign and follow Town’s Inspection Schedule.


**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):

6. Security – Reclamation – Prior to any site work security shall be provided for closure in case of abandonment. Applicant shall submit engineer’s cost estimate of closure costs to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an amount to be set by Town based upon engineer’s estimate.

7. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant’s expense if any.

8. Dumpster sized appropriately to contain all refuse, placed on an impervious surface, screened all sides.


10. Any traffic warning signs required by Public Works Director/ NH DOT to be compliant with NH DOT standards for materials and placement.

11. Board retains the right to require an independent review at the applicant’s expense at any time a problem occurs or becomes evident in the design or implementation of the approved plan.

12. A copy of the Quality Assurance Program and the Town’s Inspection Schedule shall be provided to the site contractor(s) prior to work commencing.

13. SWPPP if required.

14. 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.

15. Obtain successful milestone observations from Land Use Staff as listed on Land Use Inspection form and additionally and separately all required inspections by the Building Official, Fire Department, Public Works Department and NH DOT.

16. Evidence of other agency conditions achieved.

General conditions to be complied with subsequent to plan being signed and decision recorded:
17. Approved uses include Earth Excavation Site excluding blasting and crushing activities.
18. Hours of Operation shall be Monday through Friday 7 am – 5 pm, Saturday 7 am-12 pm excluding town holidays.
19. Successful annual aquifer inspections required.
20. DES Alteration of Terrain renewal schedule. Additional compliance hearings shall be scheduled by Board as necessary. Compliance hearing submissions shall comply with the compliance hearing requirements of Excavation Regulations Section 11, as amended or renumbered.
21. In addition to compliance hearings, excavation reports shall be submitted annually by completing the Earth Excavation – Annual Report to Planning Board form available from the Town.
22. No excavation within 10’ of an approving abutter or 50’ of a disapproving abutter. Excavation closer than 50’ requires submission of written authorization of abutter.
23. Dumpster lids kept closed at all times except during active use to minimize loss of refuse. Gates kept closed at all times except during pickup.
24. 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.
25. All representations made by the applicant, through materials and correspondences submitted pursuant to this proposal and through statements and materials submitted during the public hearing, are incorporated as a condition of this approval. This shall include the applicant’s agreement to place pins at the abutting corners of lot 42.
26. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
27. No changes shall be made to the approved plans unless application is made in writing to the Town. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
28. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 6/22/2021 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.
29. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
30. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by R. Pickwick, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

5. Plan Submission Meeting and Public Hearing – Fantasy Factory LLC: Request for site plan approval for a single-family subordinate dwelling unit. Property is located at 48 Dearborn Street, Tax Lot 123-028-000-000 in the “I” Zone. PB# 0820P.

The Chairman stated that this request is to install a single-family subordinate dwelling unit.

He noted the lot history from the Staff Report:
1. Property is located in the Industrial Zone. Approximately 2 acres of the parcel (along the roadway) is within the Aquifer & Groundwater Protection Zone. According to the assessing database, no portion of the parcel is in current use.

2. Site Plan approval was obtained in August of 2019 for the following uses:
   a) Indoor boat storage
   b) Business & Professional Offices
   c) Manufacturing Light & Heavy
   d) Indoor Trailer Services
   e) Indoor Repair Services, Machine Shops, Assembly
   f) Indoor Resource Recycling
   g) Retail Store
   h) Indoor Storage Vehicle & Trailers
   i) Indoor Warehousing/self-storage
   j) Indoor Commercial Greenhouse

3. The applicant purchased the property in March of this year.

4. Since the March purchase, Lenny’s Small Engine Repair, Reliable Lawn Care, Bear Auto and Mello Auto and Small Engine Repair have been granted permission to operate within the facility in accordance with the Planning Board’s requirement that only interior uses are allowed without further site plan approval.

5. As previously reported to the Planning Board, the Zoning Ordinance contains conflicting language regarding the requirement to obtain a Conditional Use Permit for owner occupied subordinate dwelling units and it does not provide criteria for evaluating Conditional Use Permit requests for subordinate dwelling units. Initially, Counsel advised that a Conditional Use Permit should be required, but upon reviewing additional information, she agreed that a Conditional Use Permit should not be required when the owner will occupy the subordinate dwelling unit. Counsel also advised that the Planning Board shall be consulted to determine whether site plan review is required, and at its next meeting on May 18, 2020 the Planning Board rendered its determination that site plan review shall be required.

6. The applicant has not met with the Application Review Committee. He has submitted an ARC application for an indoor recreational facility, a solar farm, an automotive dealership, a junkyard, multi-tenant garage bays and storage and sales of surplus material and appliances, and installing a sign, a solar array and a subordinate dwelling, and was scheduled to meet with the Application Review Committee on May 21, 2020 but he did not attend.

Mr. Gary Anderson of Fantasy Factory LLC was present for this application.

P. Harris explained to Mr. Anderson that this is a working Board. The Board relies on Staff and professional information and sharing with other agents in Town to have an informed packet to make an informed decision. This application shows 8 or 9 waiver requests, appearing to try to get around the approval process. Efforts were made to continue this application to the next meeting but that is not legal. Our Town is known for working with people to get things done but it needs to be done properly, like everyone else who has gone through the process. We are not trying to drag this out but we need the information.

J. Pike stated he would like to table this application and it can be brought back with no prejudice. He said that the Fire Department and Code Enforcement need to be involved in this.

Mr. Anderson told the Board that he appreciates them working with him. The reason he is having
issues is his own fault and he is not trying to circumvent the process. ARC is a valuable part of the process. He said he is aware of fire code issues.

J. Pike said that is why they are there to help you, so you won’t be shut down before you open up. There were code issues. S. Paquin, Building Inspector & Code Enforcement Officer, stated he is trying to work with the applicant on what else is going on in the building. That will be a big determining factor in what can be done but more information is needed.

M. LeClair commented that there is a lot going on outside on the property and he does not believe it was the intention of any prior approval to allow that. We don’t know where to go from here. J. Pike has issues with the inside of the building as does S. Paquin. J. Pike also has issues with the logging outside because of drainage issues. He said the logging created a tremendous problem and now there are water issues. There was no thought put into it when it was logged. The Board has done this for a lot of years and is trying to protect the applicant, not hurt them.

There was discussion that more detail is needed for the plan and the outside activities need to be addressed. P. Harris stated the last approval was to allow uses on the interior, but there were no outside issues at that time. He recommended the applicant work on the inside first to get things off the ground. Introducing a residential use on an Industrial property is mixing uses. It could create a hardship that an Industrial business would not want to risk using the property with a residence. Uses may be restricted if there is a residence on the property. That use goes with the property. If there are kids playing outside it could change the Board’s mind. The Board has been excellent at working with applicants.

Mr. Anderson requested the opportunity to respond.

Vice Chairman Peterson stated it is not appropriate for the applicant to respond at this time. M. LeClair assured the applicant he was not being silenced; he was being protected. The minutes are recorded.

Mr. Anderson responded that the Board could give the option to discuss the completeness before making a decision if the application is complete or not.

J. Pike replied that the applicant missed one of the first steps. He needs to work with the Fire Department and Code Enforcement. The Board relies on their “boots on the ground” and looks to them for advice. They haven’t had a chance to put criteria to this application so the Board cannot say it is complete. There are too many uses but the Board voted to allow them previously.

M. LeClair commented there is no landscaping plan.

D. Grimes asked if having someone on site makes it more secure. D. Sassan suggested there should be no deliberation for a case that has not yet been accepted.

Mr. Anderson asked to rebut the conversation about the completeness of the plan.

MOTION: J. Pike moved that the application is not complete because the applicant has not satisfied the requirement that the Application Review Committee be consulted at one of its meetings prior to making application to the Planning Board. The ARC process is essential to incorporating the expertise of other departments and providing those departments an
opportunity to participate in the planning process. If the Board were to recommend a waiver from the ARC process in regards to a particular case it would send the message to other department representatives that their input is not valued on each and every case and it would create a precedent that future applicants would expect to exercise. The applicant’s statements regarding previous delays are not relevant because he was scheduled to participate in the May 21, 2020 ARC meeting and he did not attend the meeting. The applicant’s absence was not due to any emergency or unforeseeable circumstance, but rather a failure on his part to make note of the meeting time.

There was discussion that comments from the Police and Fire Departments are not in the Staff Report. The Board needs those with a plan.

Mr. Anderson explained that he was not looking to waive going to the ARC; his goal was to relax the order of what that process took.

The motion was seconded by W. Peterson, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

6. OTHER BUSINESS:

A. Approval of Minutes 05/12/2020 and 05/18/2020:

MOTION: On a motion by G. Grant, seconded by D. Grimes, it was voted to approve the minutes of May 12, 2020 and May 18, 2020 as written. (5-0-2) W. Peterson & J. Pike abstained.

B. Staff Report:

1. Lakes Region Firearms - 569 Laconia Road – Map/Lot 224-040-000-000:

D. Sassan told the Board he gathered some additional information they requested, in order for them to make their determination about Site Plan review. At the last meeting the Board was leaning towards allowing this to proceed without Site Plan review if the information could be confirmed and there were no concerns. D. Sassan asked the business owner for a site plan sketch showing sales and product display and storage, parking, lighting, hours of operation, level of business, security procedures and the possibility of firing guns. The owner provided responses and a plan sketch. A May 27th letter has information about the questions asked. The Board needs to determine if Site Plan review is required or not. This location was recently approved to conduct the same operations as the previous property owner for truck repair.

J. Pike acknowledged that it was a truck repair business and adding gun sales would be a change of use. A plan would show the Fire Department and Police Department how they are going to store items. W. Peterson commented that normally happens with any Change of Use/Tenant. D. Sassan explained an existing plan was marked up and showed where parking and other functions were located. He has been in contact with the Fire Department and Code Enforcement and they have not expressed any concerns.

There was discussion about going to ARC and following procedures. W. Peterson stated allowing a Change of Use/Tenant is a process the Board has been doing for years. J. Pike responded that putting a garage and a gun sales business together needs consideration.

D. Sassan explained that applicants can’t be sent to the ARC until Staff knows if they need Site Plan review. The Board asked for and received additional information to help make that determination.
M. LeClair stated that it is standard for a Change of Use/Tenant that everyone goes through it with the Fire Department and Police Department.

S. Paquin stated Staff needs to know if the Board requires Site Plan review or is it okay for Staff to review. He said he has been in the building for the truck repair business. The owner has not been granted permission to store ammunition yet. He needed to get trucks on the floor but his approval did not include the ammunition piece. S. Paquin asked if the Board would allow him and the Fire Department and Police Department to work on this. J. Pike said yes, it needs to be done with due diligence. D. Sassan clarified that a Change of Use/Tenant approval letter from Staff includes conditions, of which more than half are required inspections with Code Enforcement and the Fire Department. There is no “free pass” if the Board decides Site Plan review is not necessary.

W. Peterson maintained that D. Sassan obtained the information the Board requested, because the Board could not make a decision until they saw a sketch and had more information.

**MOTION:** J. Pike moved that Site Plan review is not required for Lakes Region Firearms.

The motion was seconded by P. Harris, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

**2. Granite State Campground LLC - 5 Ham Avenue – Map/Lot 217-110-000-000:**

D. Sassan explained that the campground has requested to replace the old bike repair shop with a storage building exclusively for the use of occupants of the campground. Staff sought additional information from the Building Inspector and the Fire Department about the types of things allowed in that building. S. Paquin provided a list of items that will not be permitted, and that list was shared with Mr. Benway. There will be no hazardous, illegal or perishable items stored in the units. There will be no electrical outlets; only motion lights for security reasons. The building will be divided as shown on the provided plan, with four 5’ x 10’ and four 10’ x 10’ units. Information was obtained from the applicant and the Building Inspector and Fire Department were consulted.

**MOTION:** W. Peterson moved that Granite State Campground LLC does not require Site Plan review to replace the bike repair shop with storage for campground occupants.

The motion was seconded by J. Pike, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

**C. New Business:**

**Governor’s Reopening:**

S. Paquin announced that the Governor’s emergency orders allow continued outdoor dining. He would like to request the Board’s permission to set a date certain to remove outdoor dining tents. There is concern about snow removal and parking issues as well as snow falling off the tents. M. LeClair recommended the week after Columbus Day as we have had snow prior to Halloween in recent years. He also recommended providing a date tents may be placed in the spring and including specific language referencing the State of Emergency, if it is still in place at that time.

D. Grimes asked if outdoor seating without tents would be permitted after the tent removal date. S. Paquin said they would need to move partitions and have well designated outdoor areas. The tents were not made to handle snow loads. M. LeClair recommends they can keep the tables. S. Paquin will submit
a copy of the draft letter to the Board for review before sending it out.

**MOTION:**  M. LeClair moved that outdoor dining tents be removed by the week after Columbus Day.

The motion was seconded by J. Pike, and carried on a roll call vote by D. Grimes, W. Peterson, P. Harris, M. LeClair, R. Pickwick, G. Grant and J. Pike. (7-0)

J. Pike asked about the transferability of earth excavation permits, questioning why a condition was placed on the BMBH approval indicating that the permit is nontransferable. Staff explained that all earth excavation permits are nontransferable, in accordance with local regulations and state statute, and that the condition is added to all earth excavation approvals for clarification. Staff also explained that the property owner is not the only party that can obtain a permit.

**D. Adjournment:**

**MOTION:**  On a motion by D. Grimes, seconded by M. LeClair, it was voted unanimously to adjourn at 8:05 p.m. (7-0)

Respectfully submitted:

Colleen Akerman
Building & Land Use Clerk