



# PLANNING BOARD TOWN OF BELMONT, NH

Monday, April 26, 2021  
Belmont Mill, Tioga Room and Remotely by Zoom  
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Gary Grant, Richard Pickwick, Kevin Sturgeon and Member Jon Pike, Ex-Officio.  
Absent: Alternate Member Dennis Grimes.  
Staff: Dari Sassan and Colleen Akerman.  
Zoom: Member Michael LeClair.

The Chairman opened the meeting at 6:00 pm and welcomed those in attendance.

**1. Public Submission Meeting and Public Hearing – 106 Realty Trust:** Request for:

- a. Conditional Use Permit for a dwelling unit subordinate to a non-residential use. PB #0721P
- b. Site plan approval for self-storage units and a manager's apartment. PB #0421P

Property located at 36, 26 and 6 Laconia Road, Map/Lots 205-050-000-000, 205-052-000-000 and 205-054-000-000 in the "C" Zone.

Mr. Jon Rokeh was present for this application.

K. Sturgeon recused himself from this application.

The Chairman read the lot history from the Staff Report. Approval for a self-storage facility on lot 50 was obtained in November 2016. Approval for additional storage units, motor vehicle storage and a commercial building was obtained in August 2019. At the March 2021 meeting, the Board determined ARC review was not necessary to reconfigure previously approved self-storage units and the Board waived the requirement. The application was then revised to add a request for a manager's apartment, which constitutes a new proposed use and requires the applicant to obtain a Conditional Use Permit. He stated there is one waiver request for the Application Review Committee not recommended by Staff.

J. Pike asked why the applicant did not go before the ARC. Mr. Rokeh explained that at the last Planning Board meeting they were only looking at reconfiguring the units. After the meeting, Mr. Mitchell wanted to include a manager's unit due to the number of units. It was not intentional to slide it in at the last minute. W. Peterson said some slack was given when there was only a reconfiguration. That would be a small change that Staff could handle, but this has ballooned and is beyond what can be waived for ARC requirements. J. Pike said this is unusual. ARC is where you show what you are going to do.

Mr. Rokeh withdrew the request for the manager's apartment on behalf of Mr. Mitchell. He said they will do that as a separate process and the request for the Conditional Use Permit was withdrawn.

**MOTION:** J. Pike moved that the request to waive the ARC process (Site Plan Review Section 4.A)

for the manager's apartment be denied because 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 motion was seconded by R. Pickwick and carried. (7-0)

W. Peterson asked for clarification on the boat storage. Mr. Rokeh noted there was a car wash and some big box buildings on the previous plan, with RV and boat storage in a gravel parking area. They have made the gravel area bigger. It may be 4-5 years before some of the buildings are constructed. They are planning to do a couple of rows at a time, and then the front two buildings over 2-3 years. They have all of the AoT and wetlands permits in place. This application is for approval on the new building configuration. There is the same impervious area and drainage.

**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 6/30/2021 subject to extension or waiver.

The motion was seconded by G. Grant 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 J. Pike and carried. (7-0)

The Chairman opened the public hearing and noted there were no abutters present.

The Chairman noted the merits of the application. There were no comments or concerns from the departments.

J. Pike requested that a note be put in the minutes that there was no response from the ARC Committee on the dwelling unit because ARC was not noticed. Mr. Rokeh noted that the site plan application did go through the ARC Committee. J. Pike said that is not the issue, the issue is because it did not include the dwelling unit and was not reviewed by ARC. Mr. Rokeh said that is why they withdrew the dwelling unit.

J. Pike stated we are reviewing the plan minus the dwelling unit. W. Peterson responded the Board can make a condition for it.

D. Sassan told the Board that a merger was one of the conditions in 2019 and that hasn't happened yet. Condition #4 is for the lots to be merged within a specific timeframe. In order for the site to meet setbacks the merger is necessary. Condition #8 refers to the subordinate dwelling unit so that condition can be removed, or a requirement for ARC and site plan can be required for the dwelling unit.

J. Pike reminded members that the ARC committee never discussed the dwelling unit. D. Sassan noted that the responses shown in the Staff Report are not directly from the ARC meeting. The responses are the result of departmental review. Departments were notified of the subordinate dwelling unit. J. Pike said with the "no response", it seems that the applicant didn't go to ARC.

D. Sassan read from a letter from NHDOT to the Board. The letter says that NHDOT remains neutral toward the request for a Conditional Use Permit, provided the property has no increase in water runoff flowing into the Department's Right of Way and provided that there is no alteration or construction in the Department's Right of Way. If necessary, any driveway permits or excavation permits are to be obtained from the Department. The Department does not require an updated driveway permit for this use at this time. Permits are up to date.

J. Rokeh confirmed that the car wash is no longer proposed for this site.

There being no other comments, the Chairman closed the public hearing.

D. Sassan stated someone is looking to join the meeting and he requested they identify themselves. Michelle Contigiani said she is at home alone.

### **Board's Action – 106 Realty Trust:**

**MOTION:** W. Peterson 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 or plan set dated 8/1/19, revised 2/26/21.
2. Submit final plans (1 mylar, 6 paper, 1 reduced). Submit one copy 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. Indicate finalization of lot merger and include plan note documenting finalization of merger.
  - c. All conditions subsequent shall be incorporated as notes on the final plan.
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. Lots shall be merged within 60 days of approval.

5. Evidence shall be provided of other agency permits obtained including required driveway and environmental permits.
6. Submit QAP or SWPPP for construction activities.
7. Applicant shall sign and follow Town's Inspection Schedule.
8. This approval does not include the dwelling unit. If applicant wishes to have a dwelling unit, he must come back to the Board for Site Plan review.
9. Payment of recording fee. Check made payable to BCRD in the amount of \$20.60.
10. Conditions precedent shall be completed no later than 4/26/22. Active and Substantial development of the approved improvements shall occur no later than 4/26/23 and improvements shall be substantially completed by 4/26/26 or shall be in accordance with the approved buildout schedule.
11. 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):

12. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
13. All disturbance of the site to conform to Best Management Practices for the eradication and disposal of invasive vegetative species. See *Best Management Practices for Roadside Invasive Plants, NH DOT and New Hampshire Guide to Upland Invasive Species, NH Department of Agriculture, Markets and Food, Plant Industry Division*. Monitor disturbed areas for a minimum of 2 years after project completion for reoccurrence of growth.
14. Orange construction fencing shall be erected around entire perimeter of area to be disturbed. No encroachments outside of fenced area is permitted without prior approval of the Town in conjunction with review by project engineer.
15. Submission of building plans, approved by Building Inspector and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.
16. 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.
17. 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.
18. Evidence of other agency conditions achieved.
19. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements. Plans shall be reproducible in black/white, e.g. through the use of differentiating graphics (pre/post contours dashed/solid), identifying notes, etc.

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

20. Approved uses include interior self-storage, interior boat storage and a commercial

- building.
21. Application for Change of Tenant/Change of Use shall be submitted prior to each new occupancy, use or expansion of existing use.
  22. Sewer approval shall be obtained for each new use or expansion of use.
  23. Dumpster must be on solid surface and sized appropriately to contain all refuse, placed on an impervious surface, screened all sides. 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 during the public hearing are incorporated as a condition of this approval.
  26. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
  27. All exterior mechanical equipment to be screened.
  28. All exterior lighting shall be downcast and shielded from abutters and traffic.
  29. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
  30. No changes shall be made to the approved plans unless application is made in writing to the Town.
  31. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
  32. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 4/26/22 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.
  33. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
  34. Operational conditions of the Town and other agencies shall be met.

M. LeClair left the meeting at 6:35 pm.

The motion was seconded by G. Grant and carried. (5-0)

K. Sturgeon rejoined the meeting.

**2. Public Submission Meeting and Public Hearing – Wendé Richter:** Request for site plan approval for outdoor agritourism functions including weddings and other events. Property is located at 184 Leavitt Road, Map/Lot 211-077-000-000 in the “R” Zone. PB #0621P.

The Chairman read from the Staff Report. The lot was subdivided 12/07/1976. The applicant met with ARC 09/21/2017 to discuss a similar proposal. The applicant met with ARC February 2020 following changes to state law regarding agriculture and agritourism.

Ms. Wendé Richter was present for this application.

The Chairman asked if the applicant would like to speak on the waiver requests. Ms. Richter declined.

- MOTION:** K. Sturgeon moved that the following waiver request be granted:
- a) Site Plan (Site Plan Review Section 5.D.1) because it has been recommended that proposals for agricultural operations, including agritourism, shall be granted a level of deference not given to other non-residential proposals, and because additional information can be requested if deliberation reveals that more detailed plans are needed prior to rendering a decision.

The motion was seconded by W. Peterson and carried. (6-0)

- MOTION:** G. Grant moved that the following waiver request be granted:
- b) Utilities & Fire Protection Plan (Site Plan Review Section 5.D.6) because the Building Inspector and Fire Chief will be able to inspect the premises to ensure its safety and compatibility with other uses prior to each event, and because additional information can be requested if deliberation reveals that more detailed plans are needed prior to rendering a decision.

The motion was seconded by R. Pickwick and carried. (6-0)

- MOTION:** J. Pike moved that the following waiver request be granted:
- c) Stormwater Management Plan & Report (Site Plan Review Section 5.D.7) because the Building Inspector and Fire Chief will be able to inspect the premises to ensure its safety and compatibility with other uses prior to each event, and because additional information can be requested if deliberation reveals that more detailed plans are needed prior to rendering a decision.

The motion was seconded by K. Sturgeon and carried. (6-0)

- MOTION:** W. Peterson moved that the following waiver request be granted:
- d) Soils Map & Report (Site Plan Review Section 5.D.3) because no significant grading or excavation is proposed.

The motion was seconded by J. Pike and carried. (6-0)

- MOTION:** R. Pickwick moved that the following waiver request be granted:
- e) Topographic Plan (Site Plan Review Section 5.D.4) because no significant grading or excavation is proposed.

The motion was seconded by G. Grant and carried. (6-0)

- MOTION:** K. Sturgeon moved that the following waiver request be granted:
- f) Aquifer Plan (Site Plan Review Section 5.D.5) because no significant grading or excavation is proposed and because proposed uses do not pose a significant threat to groundwater.

The motion was seconded by W. Peterson and carried. (6-0)

**MOTION:** R. Pickwick 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 6/30/21 subject to extension or waiver.

The motion was seconded by G. Grant and carried. (6-0)

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

The motion was seconded by P. Harris and carried. (6-0)

The Chairman noted the merits of the application. The Fire Department noted that tent and event permits shall be required. The Police noted that parking has not been a problem and all parking can be contained on site. The Code Enforcement Officer said a tent application is required by the Fire Department, inspections are required by the Code Enforcement Officer and Flame Resistance data sheets are required. There were no concerns from other departments.

The Chairman opened the public hearing.

P. Harris asked if the applicant can meet the criteria for the noise curfew. J. Pike read the details from the application which include that weddings will conclude at 10 pm.

The Chairman asked if anyone from the public had any questions or comments. Ms. Contigiani, an abutter, said she already spoke with the applicant and has no questions.

Ms. Donna Hepp introduced herself as an adjacent neighbor who was there to speak on behalf of the proposal. Ms. Richter does a good job with events and Ms. Hepp strongly supports agritourism. It is important to support farmers.

The Tacker family said they are abutters and strongly support this effort. Their only concern is the noise level of weddings. That is their main concern but they think they can work through that.

There being no additional comments, the Chairman closed the public hearing.

**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.

1. This action is based on a plan or plan set submitted 3/18/2021.
2. Payment of recording fee. Check made payable to BCRD in the amount of \$20.60.
3. Conditions precedent shall be completed no later than 4/26/22. Active and Substantial development of the approved improvements shall occur no later than 4/26/23 and improvements shall be substantially completed by 4/26/26 or shall be in accordance with

- the approved buildout schedule.
4. 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):

5. 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.
6. 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.
7. Evidence of other agency conditions achieved.
8. 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:

9. Approved uses include agritourism events and existing agricultural operation.
10. All parking associated with events shall be contained on site and outside of the public right-of-way.
11. A Special Event application shall be submitted to the Land Use Office a minimum of 10 days prior to each event.
12. Dumpster/waste facilities must be on solid surface and sized appropriately to contain all refuse, placed on an impervious surface, screened all sides. Lids kept closed at all times except during active use to minimize loss of refuse.
13. 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.
14. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
15. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
16. All exterior lighting shall be downcast and shielded from abutters and traffic.
17. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
18. No changes shall be made to the approved plans unless application is made in writing to the Town.
19. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
20. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 4/26/22 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.

21. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
22. Operational conditions of the Town and other agencies shall be met.
23. Music shall stop at 10 pm.

The motion was seconded by G. Grant and carried. (6-0)

**3. Public Submission Meeting and Public Hearing – Richard Page:** Request for site approval for retail lumberyard with indoor milling operations and vehicle storage. Property is located at 284 Laconia Road, Map/Lot 210-002-000-000 in the “C” Zone. PB #0821P.

Mr. Richard Page was present for this application.

The Chairman read from the Staff Report that there is a long history from the 80s for service and truck repairs. In 2016 the ZBA granted a special exception for contractor’s yard in a commercial zone with unique conditions: Site plan approval required; No use of building until code enforcement officer and fire department approval are received. There was also a 2016 site plan approval for an asphalt contractor’s yard use including parking and storage of vehicles and equipment, aggregate and other related materials. The applicant attended ARC for this current proposal in March. Staff recommends that this proposal qualifies as a “minor” project because the construction/re-construction does not exceed 600sf, the disturbed area does not exceed 20,000sf and no significant off-site impacts are generated.

**MOTION:** G. Grant moved that the following waiver request be granted:

- a) Building Plans (Site Plan Review Section 5.D.2) - Staff supports because the Building Inspector and Fire Chief will inspect the premises to ensure its safety and compatibility with other uses prior to issuing occupancy approval, and because additional information can be requested if deliberation reveals that more detailed plans are needed prior to rendering a decision.

The motion was seconded by J. Pike and carried. (6-0)

**MOTION:** J. Pike moved that the following waiver request be granted:

- b) Utilities & Fire Protection Plan (Site Plan Review Section 5.D.6) – Staff supports because the Building Inspector and Fire Chief will inspect the premises to ensure its safety and compatibility with other uses prior to issuing occupancy approval, and because additional information can be requested if deliberation reveals that more detailed plans are needed prior to rendering a decision.

The motion was seconded by G. Grant and carried. (6-0)

**MOTION:** J. Pike moved that the following waiver request be granted:

- c) Stormwater Management Plan & Report (Site Plan Review Section 5.D.7) because

physical alterations associated with this proposal shall occur entirely within the interior of the existing structure.

The motion was seconded by K. Sturgeon and carried. (6-0)

**MOTION:** J. Pike moved that the following waiver request be granted:

- d) Street & Driveway Profiles and Plan (Site Plan Review Section 5.D.8) because established parking areas and accessways will not change.

The motion was seconded by G. Grant and carried. (6-0)

J. Pike noted that this is only because it is existing. If it came before the Board today, it may not happen. It is a shared driveway.

**MOTION:** J. Pike moved that the following waiver request be granted:

- e) Landscape Plan (Site Plan Review Section 5.D.9) because physical alterations associated with this proposal shall occur entirely within the interior of the existing structure.

The motion was seconded by R. Pickwick and carried. (6-0)

**MOTION:** J. Pike moved that the following waiver request be granted:

- f) Soils Map & Report (Site Plan Review Section 5.D.3) because physical alterations associated with this proposal shall occur entirely within the interior of the existing structure.

The motion was seconded by G. Grant and carried. (6-0)

**MOTION:** J. Pike moved that the following waiver request be granted:

- g) Topographic Plan (Site Plan Review Section 5.D.4) because physical alterations associated with this proposal shall occur entirely within the interior of the existing structure.

The motion was seconded by G. Grant and carried. (6-0)

J. Pike noted that he disagrees with the Land Use technician that site plan review is needed. Lumber is less hazardous to the land than a yard filled with grease and grime. He does not agree with putting a fence in front of a business with road frontage.

**MOTION:** W. Peterson moved that the following waiver request be granted:

- h) Aquifer Plan (Site Plan Review Section 5.D.5) because physical alterations associated with this proposal shall occur entirely within the interior of the existing structure.

The motion was seconded by J. Pike and 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 6/30/21 subject to extension or waiver.

The motion was seconded by J. Pike and carried. (6-0)

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

The motion was seconded by J. Pike and carried. (6-0)

The Chairman opened the public hearing.

D. Sassan read comments from NHDOT that they remain neutral toward Richard Page's request for site approval to allow for a retail lumber yard with indoor milling operations and vehicle storage, provided the property has no increase in water runoff flowing into the Department's Right of Way, provided there is no alteration or construction within the Department's Right of Way, and provided that, if necessary, any permits and/or excavation permits are obtained from the Department. The Department has received and approved an updated driveway permit from the owner for this change of use.

P. Harris asked if there will be any dust or noise. Mr. Page replied no. P. Harris confirmed with the applicant that the hours of operation will be 7 am to 7 pm, Monday through Saturday.

W. Peterson asked about the restriction for two employees. D. Sassan replied there is no evidence any changes were made since the last site plan, when the restriction was imposed. W. Peterson commented that there were 10 people working at that site prior. D. Sassan explained that "two employees" was a requirement of the last approval and more than two are not allowed without a DES compliant septic, which would have the effect of requiring an updated septic. Something would be needed from DES to allow for more than two employees. W. Peterson concluded the site must have an approved septic. D. Sassan stated they do, but not for more than two people. W. Peterson told the applicant that is a tough condition for you. Mr. Page responded that it will only be himself and one employee. W. Peterson stated it would be a big expense to upgrade.

R. Pickwick asked about the trees being cut down. Mr. Page said it is just to increase the line of sight. That driveway is tough, especially in summer. R. Pickwick asked if the driveway will be maintained between this building and the next one to the south. Mr. Page said yes.

P. Harris asked about vehicle storage. J. Pike asked how many will be stored. Mr. Page confirmed he wishes to store vehicles, but not sell them. Perhaps someday he will store boats and RVs. J. Pike stated the applicant needs to apply in order to sell cars. When it comes to a specific number of vehicles, the site can't be filled up like a junkyard. It needs emergency access. There need to be cleanup systems in the shop. The number of vehicles is equivalent to the number of cleanup systems required. They have to be covered and maintained in the winter. There are wetlands in the back. The Fire Department needs to know where they can go. There needs to be a plan for them. J. Pike said that his impression is that before many vehicles are stored, the applicant should come back with a plan. Bins of lumber is one thing. But

for vehicle batteries, oil, drippage and gas, the Board is going to need a lot more than what was submitted this evening.

There was discussion about thefts at the location. Mr. Page stated he wants a professional, clean facility. J. Pike recommended the applicant come back to the Board for vehicle storage. A couple of cars is okay, but there is a lot more to it if you start storing more. W. Peterson commented it is not a minor site plan when you start talking about that. There were lots of breaks given because it was a small change of use and buildings are not being added. But the motor vehicle use could have a lot more issues.

D. Sassan mentioned that he spoke with Mr. Page and clarified that the contractor's yard use was not to be abandoned. The references in the draft conditions appearing in the staff report regarding the abandonment of the contractor's yard should be removed. He also said that any language relating to the approval of motor vehicle storage needs to be removed. The applicant does not intend to abandon the contractor's yard use. The Board can include a continuation of the contractor's yard use in this approval.

There was discussion about motor vehicle repairs in a contractor's yard. J. Pike stated vehicle repair is out, and storage of vehicles is out if they are not personally owned. Mr. Page maintained that he does not want to do vehicle repair. He was thinking that a landscape company could park at the site and come and go. J. Pike noted that previous occupants repaired vehicles at the location. A lumber yard is a different business. It becomes a legal issue down the road with future owners. Mr. Page received assurance that he could return to the Board with a motor vehicle storage proposal in the future.

D. Sassan asked Mr. Page to confirm that he is voluntarily withdrawing vehicle storage from this application. Mr. Page said yes, he is. He wants to do a great job and wants everyone to be excited. D. Sassan suggested a site plan that would designate where the contractor's yard areas are located and approval can be given subject to that. J. Pike commented that Mr. Page can come back to do vehicle storage later. A plan is needed for parking and lumber and can be hand-drawn. P. Harris noted that the big reason is for safety.

D. Sassan clarified a few changes to the motion for approval based on the Board's discussion.

There being no comment from the public, the Chairman closed the public hearing.

**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.

1. This action is based on a plan or plan set dated May 10, 2016, subsequently revised but without a revision date, stamped received in town offices on April 5, 2021.
2. Submit final plans (6 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. Provide blank signature block for approval.
  - b. All conditions subsequent shall be incorporated as notes on site plan.
  - c. Revise plan notes 2, 3, 6 & 11 to reflect that motor vehicle repair is not part of the

- proposed use of the property.
- d. Identify areas designated for contractor's yard use.
  - e. Remove note indicating that there will be no onsite processing of materials.
3. Payment of recording fee. Check made payable to BCRD in the amount of \$20.60.
  4. Obtain revised driveway permit from DOT.
  5. Conditions precedent shall be completed no later than 4/26/22. Active and Substantial development of the approved improvements shall occur no later than 4/26/23 and improvements shall be substantially completed by 4/26/26 or shall be in accordance with the approved buildout schedule.
  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. Structure shall not be used until approvals are obtained from the code enforcement officer and fire department.
8. Submission of building plans, approved by Building Inspector and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.
9. 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.

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

10. Approved uses include retail lumberyard with indoor milling operations.
11. Application for Change of Tenant/Change of Use shall be submitted prior to each new occupancy, use or expansion of existing use.
12. Sewer approval shall be obtained for each new use or expansion of use.
13. Dumpster must be on solid surface and sized appropriately to contain all refuse, placed on an impervious surface, screened all sides. Lids kept closed at all times except during active use to minimize loss of refuse. Gates kept closed at all times except during pickup.
14. 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.
15. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
16. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
17. All exterior mechanical equipment to be screened.
18. All exterior lighting shall be downcast and shielded from abutters and traffic.
19. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
20. No changes shall be made to the approved plans unless application is made in writing to

- the Town.
21. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
  22. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 4/26/2022 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.
  23. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
  24. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by G. Grant and carried. (6-0)

### **OTHER BUSINESS:**

#### **Conceptual – 105 Hurricane Road – Map/Lot 223-054-000-000:**

Mr. Gary Cartier was present to explain a conceptual plan for a subdivision. He and his wife own the property and would like to subdivide it to create a lot for his daughter and son-in-law. There are 70 acres, but only a 60-foot tract of road frontage which is not enough frontage for a separate lot. They want to subdivide to create a 3-acre lot with a shared driveway or private road. The 3-acre lot will be completely surrounded by Mr. Cartier's property. The current driveway is about 1,500 feet from Mr. Cartier's home and he foresees the new driveway coming in about 600 feet from road. W. Peterson stated the problem is the frontage. The only way around it is to create frontage; which is a Town road, or improved private road. The construction standards are the same. It makes no sense to do a private road other than you will maintain it.

D. Sassan acknowledged that he spoke with Mr. Cartier and was told the existing driveway is built to a high level. It may come close to meeting town road standards. W. Peterson explained that core drillings would need to be done to determine if it meets standards, which is quite a bit of engineering expense. Studies would need to be done to determine what is needed to meet the standards and what would be viable.

D. Sassan stated Mr. Cartier would be requesting a paving waiver and wants to know if the Board would entertain such a waiver. J. Pike said he prefers to defer to the Town Road Agent. It is going to take some thinking. There is a lot of land in Belmont like Mr. Cartier's. It is not landlocked, but it is. The intent is wonderful but when someone else comes and wants to put in 40 houses it is a problem. Mr. Cartier questioned if the private road restriction prevents someone from doing that. He said his application would be for a single house. He offered to include it in his deed that any owner of his current home would be required to maintain that private road. If they don't want to do that, they won't buy the property. If they want to do a development, they would need to come before the Board and the Board would say a town road is required. J. Pike said D. Sassan needs to look at the legal can of worms. W. Peterson is concerned. This all hinges on frontage on a town road or approved private road.

There was discussion about the construction standards required. D. Sassan said the first question Mr. Cartier has is if the Board would waive the paving requirement. It sounds like the Board is saying no. W. Peterson confirmed it would still have to be an approved private road. P. Harris stated the Board has to look at this closely. There is lots of land like this that people want to access. W. Peterson explained

there is relief built in here because Mr. Cartier does not have the required frontage for his home, but the lot was pre-existing before zoning. It was considered sufficient to build a house. The correct way to do this is to create frontage for the second lot. If the lot was closer to the road there would be less road to build. Mr. Cartier asked if an approved private road needs to be paved. W. Peterson confirmed it is the same standards as a town road. Ten years from now someone will want to make it a town road. There was discussion about previous private roads becoming town roads and the issues that happened. J. Pike recommended that D. Sassan speak with the Town Administrator about this. He does not want to create a hardship, but this could be a can of worms. W. Peterson suggested Mr. Cartier get creative about how he plans his lot. J. Pike stated the private road will need asphalt anyway.

### **Approval of Minutes 03/22/2021:**

**MOTION:** W. Peterson moved to approve the minutes of March 22, 2021 as written.

The motion was seconded by P. Harris and carried. (5-0-1) J. Pike abstained.

### **STAFF REPORT:**

#### **Subordinate Dwelling – Depot Street - Map/Lot 235-032-000-000:**

D. Sassan spoke with someone who is interested in purchasing this location to run a motor vehicle repair shop and build a single-family home in the back of the property. Mr. Richard Dubois, the current land owner, was present at the meeting. The purchaser was unable to attend this evening. This property is in the industrial zone which does not permit single family dwellings. D. Sassan explained that in the industrial zone, only a subordinate dwelling is allowed. Staff does not view a subordinate dwelling as an open-ended permit for any single-family house. Staff is looking for Board feedback on the parameters for a subordinate dwelling unit because a 2,000sf home is not what is envisioned. P. Harris noted that single-family dwellings are not allowed in the industrial zone per the permitted uses table. D. Sassan explained that a subordinate dwelling unit is the only type of residential use permitted under the ordinance. W. Peterson commented that it was meant to cover an onsite manager. A Conditional Use Permit is required. There was discussion that a full-blown single-family home would not be allowed. It needs to be a smaller apartment and in the same building as the business. D. Sassan is looking for some direction from the Board as to what would be allowed because there are not a lot of parameters in the zoning definition. It does not describe how many square feet it could be, or if a detached unit would be approved. It was the consensus of the Board to ask for a plan of the building and where the apartment would be. D. Sassan asked for confirmation that a 2,000sf home at the back of the property would not be allowed. The Board confirmed. Staff will ask for a proposal from the interested party.

#### **Driveway Waiver – 35 Perkins Road – Map/Lot 237-036-000-000:**

There is an application for a driveway that does not meet the requirement to be 25 feet from any existing intersection. Berry Road is private and has only a few houses and little traffic. Generally, this permit has received a sign off from DPW.

**MOTION:** J. Pike moved to approve the driveway waiver.

The motion was seconded by P. Harris and carried. (5-0-1) K. Sturgeon abstained.

### **Home Occupations:**

**Greenhouse:** Staff received an application to sell plants on Concord Street. It meets the home occupation standards. The applicant proposes some small greenhouses that are the same type that can be installed at a single-family home for accessory purposes. The proposal doesn't seem to violate the home occupation

parameters. If there was a store front it could not be approved, but it doesn't have any outward appearance of a business. It was the consensus of the Board to allow this as a home occupation.

**Cosmetics Business:** Staff is processing a home occupation application for a cosmetics business in a new home which meets the home occupation parameters.

**Trail Riders – 1265 Laconia Road – Map/Lot 246-001-000-000:** D. Sassan updated the Board on this event, which is normally held in Loudon. The applicants came before ARC for this two-day event. They will arrive Friday and camp two nights. There are rides Saturday and Sunday. The Fire Department and Building Inspector and Police Department are on board and in favor of the event. It will be treated as a special event application, which will have significant involvement from Code Enforcement Officer Russ Wheeler, Chief Newhall and Chief Lewandoski. J. Pike agrees the event should proceed, but noted they are behind on taxes.

**Shooting Range:** Staff received an inquiry about a personal use shooting range for use by a competitive marksman. D. Sassan said that he did not see any reason why it would require land use approvals. Chief Lewandoski said there was adequate space at the location and he will meet the property owner on site to ensure it will be done safely. This is not a commercial range.

**Planning Board Reappointment:** This agenda item will be moved to the next meeting.

**NEW BUSINESS:** None

**ADJOURNMENT:**

**MOTION:** J. Pike moved to adjourn at 8:45 pm.

The motion was seconded by W. Peterson and carried. (6-0)

Respectfully submitted:

Colleen Akerman  
Building & Land Use Clerk