



PLANNING BOARD TOWN OF BELMONT, NH

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

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Kevin Sturgeon, Richard Pickwick, Gary Grant and Jon Pike Ex-Officio.
Absent: Michael LeClair.
Alternates Present: Rick Segalini, Jr., and Dennis Grimes.
Staff: Dari Sassan, Richard Ball and Elaine Murphy.

The Chairman opened the meeting at 6:02pm, appointed R. Segalini as a voting member for tonight's meeting 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 both electronic means and in person. 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 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

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.

PLAN SUBMISSION MEETING and PUBLIC HEARING –MOUNTAIN LAKE VILLAGE, LLC:

Request for a one-year extension (8/28/2022) of an 18-lot open space single-family subdivision approval and previously granted waivers with internal roads and open space (Zoning Use Open Space Residential Subdivision). Property located at Mile Hill Road, Tax Lots 202-012-000-000, 202-012-001-000, 202-015-000-000 & 202-015-001-000 in the "R" and "RS" Zones. PB# 1121P.

The Chairman read the lot history. Conditional approval received 10/23/06 with extensions in 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 which currently expires 8/24/21. The plans are not signed. The outstanding conditions are:

1. Complete independent stormwater management review.
2. Provide joint use agreement or other written arrangement (Belmont/Laconia) is required for Roads, sewer, water, trash, fire, PD, buses.
3. Update final plans to reflect transfer of open space and boundary line adjustment w/Laconia

- lots.
4. Submit copy of PSNH joint use agreement.
 5. Security needs to be in place for:
 - a. inspections
 - b. abandonment
 - c. bounds/pins
 - d. record drawings
 - e. all incomplete improvements at the time plans are recorded
 - f. escrow for City water agreement
 6. Plan recording fee (4 mylars).
 7. Any expired/outstanding other agency permits.
 8. Open Space has been transferred to Town.
 9. See Development synopsis attached.
 10. Most recently met with ARC in June.

J. Pike wanted to know if the ordinance changes in the next year would the applicant have to reapply or do they revert to the initial application. D. Sassan stated they will reset the clock with the approval expiring in one year unless all conditions are met or an extension is applied for. Two years for active and substantial development and five years for substantial completion. R. Ball stated that is what happened in Laconia the ordinance changed and they had to reapply.

J. Pike stated that he has concerns about another development that this applicant is involved in that is not related to this application but he would like to discuss situation with the applicant after this application is reviewed tonight. The Board of Selectmen have some serious questions they would like the applicant to address. The Planning Board and the applicant agreed that a discussion could happen at the conclusion of this public hearing.

BOARD'S ACTION:

MOTION: Rick Segalini 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 to complete review and act on the application. Action on this proposal shall occur by 9/29/21 subject to extension or waiver.

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

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

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

Atty. Brouillard presented the application and thanked the Board for being supportive for the last 9 years. He stated that Laconia changed their ordinance and in February he received final approval for a 33-lot subdivision and is working on inter-municipal services for roads and utilities. J. Rokeh stated he is working on the AoT permit and they should have it within another month.

W. Peterson wanted to know when they plan to start. Atty Brouillard stated within six months. J. Pike wanted to clarify that they are getting the road and utilities services from Laconia and bringing them to Belmont so they will be starting in Laconia. Atty. Brouillard stated they will be starting with 10 single

family homes in the first loop. Then another 8 on cul de sac. J. Pike wanted to know if they are getting water from Laconia. Atty. Brouillard stated they are but Belmont is charging the customers. R. Segalini stated Laconia is selling water to Belmont for this project. Atty. Brouillard stated they will start building where the water lines are in, starting in Belmont first.

The chairman opened the public hearing portion of the review. There being no further comment or question the chairman closed the public hearing.

MOTION: R. Pickwick moved that the application for extension be 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. Comply with all conditions of the original approval, subsequent amendments and extensions and those as represented by the applicant during the public hearings on the proposal and within submitted printed documents including the approved plan. This approval requires that the project comply with the current Subdivision Regulations (March 26, 2018 edition).
2. Extension is to 8/24/2022.
3. Compliance Hearing may be required.
4. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 8/24/2022 unless all conditions precedent have been met and the approval has been signed, the approval has been recorded or required security has been posted to begin the improvements, or an approval extension application is submitted and is granted. The Board is not required to grant additional extensions. 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.
5. Laconia utilities and roads required to support this project are to be approved and in place.
6. In accordance with the approved buildout schedule all documents sufficient for plan recording no later than 8/24/2022; Active and Substantial development of the approved improvements no later than 8/24/2023 and improvements shall be substantially completed by 8/24/2026.
7. No changes shall be made to the approved plans unless application is made in writing to the Town.

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

QUAIN TRUST 930 LACONIA ROAD TAX LOT 122-057-000-000:

J. Pike stated he would like to address some issues the Board of Selectmen (BOS) have with Atty. Brouillard's property on the corner of Laconia Road and Rte 140. The Planning Board received copies of pictures the BOS took of the drainage issues on the Laconia Road site. He showed Atty. Brouillard the pictures of the drainage problems. He stated that last year Atty. Brouillard assured the Board that he would fix the drainage before snowfall but he hasn't done anything but put the swale in. He is surprised that he hasn't been sued by the people that pay him rent. The BOS have had complaints and want to know how

this can happen. J. Pike suggested that it be fixed within 60 days. Two loads of gravel would change the pitch. The drainage issues have been neglected. Anyone who can operate a grader can fix the problem. He understands that the property was developed before Planning and Zoning but the property has to be taken care of. There was speculation that Aroma Joes was going in there but they need to take care of the drainage before any other business can go in there. He has seen cars back up in the parking lot with water over the wheels that had to move and park by the dumpster to get out of the water and mud. The existing drain pipe is not working. The BOS is disgusted with Atty. Brouillard, he has to fix it with in 60 days or risk being sued. He will lose good businesses and employees.

Atty. Brouillard stated they have started repairs and have spent \$20,000 but then they had to put in the upper parking lot. J. Pike wanted to know what Atty. Brouillard is doing to design and correct the drainage issue. J. Rokeh stated he is working on it. J. Pike stated the problem is that you said it would be done last fall. We already are in July and before long it will not be done this year and it will be another year with nothing being done. The citizens of Belmont are talking and putting in complaints. The BOS, the Town Clerk and the Town Planner takes them. If frost comes and the issue is not corrected, they may be evicted or closed before someone gets hurt.

PLAN SUBMISSION MEETING and PUBLIC HEARING – RAED HERTEL FAMILY TRUST:

Request for subdivision approval to subdivide one lot into seven. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the “RS” Zone. PB # 1221P.

No one was present for this application. It was the consensus of the Board to move the application to after the next public hearing to give the applicant additional time in case he is running late.

PLAN SUBMISSION MEETING and PUBLIC HEARING – PARENT SAND & GRAVEL:

Five-year compliance hearing for Earth Excavation permit conditions. Property is located on Shaker and Wareing Roads, Tax Lots 242-004-000-000, 242-005-000-000, 242-008-000-000, 242-010-000-000, 245-016-000-000 and 245-017-000-000 in the “R & V” Zones. PB # 1321P.

P. Harris read the read history of lot since the last compliance hearing:

1. 6/23/14 Relocate entrance further south on Shaker Road adjacent to the apartment house (outstanding), add scale, scale house, dumpster, septic, water, pedestrian fence (outstanding), AG power, close original entrance (outstanding), accommodate public road drainage at new entrance (outstanding).

Lot 16:

2. 10/26/15 Relocate main entrance, scale, scale house, septic, water to and incorporate with new Wareing Road lot (fka Nutter). All access to be over Wareing Road, no further excavation of Wareing Road pit, reclaim 11.9ac; 2.8ac to remain open for operations. Additional security for Wareing Road pit, Quality Assurance Program & rules from main pit to cover Wareing Road pit. Town to upgrade Wareing Road, road signage, Shaker Rd access for emergency use only, gate, paved entrance (outstanding), signage includes 911#.
3. 6/26/17 Wareing Rd pit-construct 9,000sf storage building, amend reclamation plan to that approved by NH DES AoT, raise pit floor to 4’ above SHWT, no equipment repairs/maintenance. No regulated substances in storage building, schedule for all outstanding conditions, pin/mark 50’ setback to abutters.
4. 9/24/18 Shaker Road pit compliance hearing

J. Pike wanted to know about the upgrade to Wareing Road. J. Rokeh stated that was done in the

last five years.

BOARD'S ACTION:

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 to complete review and act on the application. Action on this proposal shall occur by 9/29/2021 subject to extension or waiver.

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

Mr. Jon Rokeh was present for this application and handed out new plans to the Board.

Mr. Rokeh explained that originally there were two pits and they are working to coordinate the compliance hearings for the Town and State at the same time. He is working on the AoT permit. The plan includes all the contours, the scales and everything that sits on the properties. The old entrance on Shaker Road is gated. The new entrance on Wareing Road had not been punch through but has been graded for 2 years. The Shaker Road entrance will be secondary used as an emergency access and not for truck traffic. R. Segalini stated there has been truck traffic using the road and the Police Chief has contacted the truckers but as soon as the Chief leaves they start up again. The Department of Transportation and Public Works Department need a guarantee that they will not be hauling out of the Shaker Road entrance. Public Works Director, Craig Clairmont stated there were water issues and that is why the Wareing Road entrance is not completed.

Mr. Rokeh stated he is work on the AoT permit and they should be getting it soon. He will talk with the applicant about not using the Shaker Road entrance.

W. Peterson wanted to know the time schedule for the outstanding issues. Mr. Rokeh stated they will pave the entrance on Wareing Road when the drainage is completed. D. Sassan stated they should set a date for completing the recommended condition. J. Pike suggested changing the date for all outstanding items to September 2022. Mr. Rokeh stated that Wareing Road is almost completed.

The chairman opened the public hearing portion of the review.

Mrs. Ruth Mooney stated she is concerned about the entrance on Shaker Road still being used. The road was posted and there were still trucks coming out of that entrance. They were using the road illegally in three towns.

Mrs. Mooney stated she is on the South Road Cemetery committee and has concerns that the buffer on the back side of the cemetery be monitored and maintained. They should not be hauling out of the Shaker Road entrance. Mr. Rokeh stated they are maintaining the buffer to the cemetery and there should be no hauling out of the entrance on Shaker Road. R. Segalini stated the buffer area is staked out.

J. Pike stated the backs should be stabilized. Mr. Rokeh stated they are loamed and seeded and he will take pictures of the area.

There being no further comment or question the chairman closed the public hearing.

BOARD'S ACTION:

MOTION: J. Pike moved that the application be found substantially in compliance with the following items:

1. Conformance with the prior conditions of approval which includes time certain to cure outstanding conditions.
2. Operational impacts of the project conform to the description and commitment offered during the prior review process.

And 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:

3. A \$20,000 bond for road damages on Wareing Road shall be instated no later than 9/24/2021.
4. All outstanding conditions of prior approvals shall be completed no later than September 1, 2022.
5. All existing conditions remain in effect. No amendment was made by this action.
6. Application for the next compliance review hearing shall be submitted to the Board no later than September 1, 2026.

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

PLAN SUBMISSION MEETING and PUBLIC HEARING – RAED HERTEL FAMILY TRUST:

Request for subdivision approval to subdivide one lot into seven. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the "RS" Zone. PB # 1221P.

No one was present for the application. The Board discussed tabling the application to the August meeting. D. Grimes wanted to know how many times an applicant can be a no show before the Board denies the application. W. Peterson stated usually an applicant misses only one time. D. Sassan stated if they table to a time certain they are not required to renounce as everyone was noticed for this meeting. J. Pike stated that the application be renounced at the applicant's expense. This would allow those that were unable to attend tonight's meeting aware there is another meeting. D. Sassan explained that if it Tabled to a time certain it does not have to be renounced but if the Board wants to renounce all abutters they could send it out first class mail instead of certified.

MOTION: W. Peterson moved to Table the request for subdivision approval to subdivide one lot into seven to August 23, 2021 as there was no one present to present the application. The abutters will be renounced by first class mail at the applicant's expense.

The motion was seconded by K. Sturgeon and carried. (7-0)

OTHER BUSINESS:

MINUTES: On a motion by P. Harris, seconded by R. Pickwick, it was voted unanimously to approve the minutes of June 28, 2021 as written. (7-0)

GARY CARTIER 105 HURRICANE ROAD TAX LOT 223-054-000-000:

D. Sassan stated that he and the Town Administer had a discussion with Mr. Gary Cartier two or three months ago about creating frontage on a private road for a subdivision. Mr. Cartier has 78+ plus acres and would like to obtain a waiver for frontage. Since then, he contacted the Town Attorney, Laura Spector-Morgan, concerning the Board's ability to waive the road construction standards. Atty. Spector-Morgan stated that "the Board should waive the road construction standards if the waiver criteria are met and concerns about the future are likely not a valid reason to deny them, particularly when regardless of whether the request is made to the selectmen or the town meeting, the town will have a chance to require upgrades before it accepts the road. Any further subdivision will require further approval, and granting a waiver to allow this for one house does not commit the Board in any way to grant a waiver for a future subdivision. The public works staff should not be plowing any road that hasn't been accepted by the town."

J Pike wanted to know how many children Mr. Cartier has. Mr. Cartier stated he has two children. J. Pike stated the reason he was asking was that this is a large lot and if there were a number of children Mr. Cartier they may want to create more lots in the future. He knows this property was created before planning and he started driving around town and up Bean Hill Road where he noticed that there is a private road with only 68' feet of frontage with 4 houses on it. Every house owns a piece of the road by deed and everyone maintains it. He suggested to Mr. Cartier that when it comes to his daughter, he makes plan on how to handle the road. On Union Road there are two houses with a common driveway. There are many houses around town have long driveways who want or plan to have a second dwelling on the large parcel.

Mr. Cartier stated that his son and daughter-in-law live in New York and have no plans to come back to Belmont. He will rewrite the Trust to include whoever lives in his current house will maintain the road for the second house. J. Pike stated it is a driveway not a road. Mr. Cartier stated he plows it now. He explained he is here tonight to find out if the Board will grant the waiver for frontage before he moves forward.

K. Sturgeon stated it is a non-town road and Mr. Cartier should include in the Trust and the deed that whoever lives in the main house has to maintain the road for eternity. The proposal sounds good to him.

W. Peterson stated in order to subdivide you have to create frontage. There has been talk about town roads and private roads and there are standards for private and town roads. He stated the Board has never waived frontage requirement except for Huber Road in the early 80's. J. Pike stated there is a first time for everything, they can grant the waiver so the application can move forward. If you drive around town there are homes with 40' of frontage. He stated that Mr. Garfield built his house then bought the property around it for the frontage.

The Board discussed if the road was made to standards who would maintains it. Mr. Cartier stated he wants it to be a dirt driveway with the frontage being on that driveway. J. Pike stated that if there is a medical emergency they have to be able to access the property. Mr. Cartier stated that they have had to have emergency vehicles on his property numerous times and the driveway is adequate to handle emergency vehicles. It is wide enough. K. Sturgeon stated in the winter Mr. Cartier is responsible for them to get in there and wanted to make sure that Mr. Cartier would take that responsibility. Mr. Cartier stated he is responsible for the driveway. K. Sturgeon stated he understands the wants and needs but is not sure what present it would set. He stated that some waivers are granted and some are not.

D. Sassan stated that it sounds like Mr. Cartier is moving towards submitting something that the Board can make a decision on. He could submit something short of a subdivision application. W. Peterson stated

he needs to put something in writing. J. Pike wanted to know if Mr. Cartier had any discussions with the Public Works Director, Craig Clairmont. Mr. Cartier stated he had not talked to the Public Works Director. W. Peterson reiterated that the ordinance doesn't allow it.

P. Harris stated that he is friends with Mr. Cartier so he will be stepping down from the application. He also stated he is not in favor of the waiver.

J. Pike left the meeting at 7:26pm.

RECARDO & ALICIA SEGALINI TAX LOT 244-029-000-000:

D. Sassan stated that a resident of 459 South Road is interested in having a farm stand. There is existing agricultural use on the property now. He had some suggestions on how to proceed with this request. The first one is that all operations, including parking be perpetually managed so as not to create a traffic, noise, aesthetic or erosion nuisance and the second condition is at least 35% of all goods offered for sale are produced by the owner of the farm stand. The farm stand should be permitted without site plan review. The first condition ensures that the operation will not represent a significant expansion of the existing agricultural operation and the second condition ensures that the use remains beneath the umbrella of agricultural uses.

Mr. Segalini stated that this is for the selling of home-grown meat products. They will be constructing a 10' x 20' stand with a porch. It will be at the end of the driveway. The stand will not be manned. It is being used to keep the products under cover. There is area for cars to park. They are moving the products out of the garage down to a stand at the end of the driveway. The Board wanted to know if it will be year-round. Mr. Segalini stated it will be. It will be open nights and weekends. All the food sold has been approved by the FDA.

MOTION: W. Peterson moved to allow a 10' x 20' food stand with a porch. The stand will be 140sf with a 60sf porch and will be used to sell home grown products.

The motion was seconded by R. Pickwick and carried. (5-0-1) R. Segalini abstained.

ROBERT BONSIGNORE 193 PLUMMER HILL ROAD TAX LOT 211-027-000-000:

D. Sassan stated that Mr. Bonsignore has been inquiring about having a Bed & Breakfast on his property at 193 Plummer Hill Road. He wants to connect both structures on his property. He needs a Special Exception from the Zoning Board and wants to know if he will need site plan approval.

P. Harris wanted to know if it is on sewer or septic. R. Ball stated it is on septic which is based on the number of people staying there. W. Peterson stated they will have to look at the parking situation, the water supply and septic design as well as other items. DES may have to get involved.

It was the consensus of the Board that site plan approval is needed for a Bed & Breakfast.

SUBORDINATE DWELLING UNITS:

D. Sassan explained that a subordinate dwelling unit proposal was included in the member's packets. Over the last year or two there has been multiple inquiries on the subject and this is the time of year to revisit the ordinance.

W. Peterson stated there are no standards for a single-family subordinate dwelling units. The standards

need to be clarified.

WINNISQUAM MARINE TAX MAP 104-062-000-000:

R. Ball stated that Winnisquam Marine wants to put in a system that goes into the public sewer to wash boats. They will turn off the spicket when not in use. W. Peterson stated they need to provide a signed engineer plan and copy of the DES permit. R. Segalini stated they are washing boats now and this will be an upgrade to meet DES standard.

It was the consensus of the Board that this will make the site more compliant.

KATHLEEN & RICHARD PLANTE TAX LOT 239-060-000-000 & 239-061-000-000:

R. Ball stated that Mr. & Mrs. Plante have to adjacent lots on Morgan Road that they want to merge them into one. One lot has a camp and the second lot had an old trailer on it that they removed.

MOTION: W. Peterson moved to merge lots 239-060-000-000 & 239-061-000-000 into one lot.

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

D. Sassan stated that this is his last Planning Board meeting and thanked the Board for the opportunity to work with them. He stated that they worked well together.

ADJOURNMENT:

MOTION: On a motion by W. Peterson, seconded by R. Pickwick, it was voted unanimously to adjourn at 7:53p.m. (6-0)

Respectfully submitted:

Elaine Murphy
Administrative Assistant