



# PLANNING BOARD TOWN OF BELMONT, NH

Monday, October 25, 2021  
Belmont Mill, Tioga Room and Zoom  
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Richard Pickwick, Kevin Sturgeon, Gary Grant, Jon Pike, Ex-Officio; Alternate Member Dennis Grimes.  
Staff: Candace Daigle and Rick Ball.  
Absent: Member Michael LeClair; Alternate Member Rick Segalini, Jr.

The Chairman opened the meeting at 6:00 pm, welcomed those in attendance and appointed D. Grimes as a voting member.

The Chairman announced that the Belmont Selectmen have adopted a mask mandate for public buildings. The Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and any party experiencing a difficulty in accessing the meeting at any point, should call 603-267-8300 ext. 101, and the meeting will be recessed until access can be restored for all parties. No members attended via zoom so roll call votes were not necessary.

The Chairman presented a 20-year service award to Rick Ball “Land Use Technician 2021 in recognition and appreciation, twenty years of collaboration, guidance, support, ticks and weeds! Conservation Commission, Planning Board, Zoning Board, LU Staff”.

K. Sturgeon suggested moving item 1 to after item 5.

**Public Hearing – Lewis Orrin Marden Jr. & David Marden:** Continuation of a request for subdivision approval to subdivide one lot into two. Property is located on Seavey Road, Tax Lot 237-007-000-000 in the “RS” Zone. PB #1721P.

Mr. Steve Smith of Dubois & King, Mr. David Marden, Mr. Lewis Marden and Mrs. Barbara Binette were present for this application.

The Chairman read from the Staff Report Status. This case was tabled on 09/27/2021 to further review and obtain advice on the waiver request for the sewer connection requirement of the Subdivision Regulations submitted on 09/27/2021. The request is to subdivide one lot into two. At the 09/27/2021 meeting the Board voted to accept the application as complete and that there is no Regional Impact.

There is one waiver request to avoid extending municipal sewer to serve both lots. Board members were provided with a rating schedule to help make a determination.

**MOTION:** J. Pike moved to approve the request to waive Section 9.C.2 of the Subdivision Regulations requiring the property to be connected to municipal sewer. The Board accepts the

Marden's statement that there will be only 2 lots for agricultural purposes, there is no evident need to extend sewer beyond the development. Further development of either lot would be subject to then current regulations.

W. Peterson suggested including language from the waiver checklist – there is no benefit of extension beyond these lots, denying the waiver will not be an economic benefit for future required utilities and will not reduce the health, safety or general welfare of citizens; and there is no benefit to the applicant or the Town in requiring the extension.

K. Sturgeon seconded the motion which carried unanimously. (7-0)

Public Works Director Craig Clairmont reminded the applicants that he will be holding a site walk with the engineers this week to review the upcoming Seavey Road project which runs from Hurricane Road to Wildlife Boulevard. If there is any intention to connect these lots to municipal water it should be done prior to that work as the Town is currently addressing a pavement protection plan for town roads that could require more work and cost on the applicant's part. Mr. Smith assured Mr. Clairmont that the applicants will coordinate with DPW on that.

The Chairman asked if there were any additional comments or questions. There being none, he closed the public hearing.

**Board's Action – Lewis Orrin Marden Jr. & David Marden:**

**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 July 19, 2021.
2. Submit final plans (2 mylar, 5 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. Underground utilities (telephone, electric, etc.) required.
  - b. USPS approved box/location required for on-site mail delivery.
  - c. Removal of material (loam, etc.) outside of the development area may require an Earth Excavation permit.
  - d. Driveway permits and paved aprons required.
  - e. Indicate "total frontage" for each lot after transfer.
  - f. All pins/bounds to be set and so certified on final plan.
  - g. Show abutting Rural and Residential Multi-family zones.
  - h. Show subject property setbacks; increased setback along Rural Zone.
  - i. Show High School entrance location.
  - j. Signature block.
  - k. Dimension, fencing and show access to burial ground (if the owner so wishes). Town to ID burial on tax map the same as other memorial/burial sites.
  - l. Correct spelling in note #7.
  - m. Include required plan statements 5D1K & L and 6B
  - n. Permits are required for Water connections and Selectmen's permit to work in ROW.
3. Payment of decision recording fee. Two checks made payable to Belknap County Registry of

Deeds to record mylar & notice of decision-\$45.10; and LCHIP-\$25.00.

4. Conditions precedent shall be completed no later than 10/25/22.
5. Compliance hearing shall be held by Board as necessary.

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

6. Approved uses include: those permitted in the RS Zone.
7. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
8. No changes shall be made to the approved plans unless application is made in writing to the Town.
9. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
10. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 10/25/22 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.
11. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

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

**Plan Submission Meeting and Public Hearing – Gilmanston Sand & Gravel:** Request for boundary line adjustment to transfer 16.16 acres from Tax Lot 247-002-000-000 to 245-001-000-000. Properties are located at 28 Stone Road and 30 Watson Road, in the “R” & “I” Zones. PB #2121P.

The Chairman read from the lot history - This application was reviewed by the ARC on 09/23/2021. Gilmanston Sand & Gravel is a 205.3-acre parcel containing excavation, quarry, office, scales, contractor’s yard (equipment storage and dumpster storage). Watson’s is a 329-acre parcel containing a single-family residence and accessory structures/uses. All but 1 acre is in Current Land Use.

- MOTION:** W. Peterson moved to grant the following two waivers:
- a. Topo Plan (Section 5D2 of Subdivision Regulations) because this is all undeveloped land and a full plan is required for Gilmanston Sand & Gravel to initiate any use.
  - b. Survey of remaining Watson property (Section 5D1 of the Subdivision Regulation) due to the size of the remaining Watson property (313 acres) and the distance between the parcel being transferred and the developed portion of the Watson lot.

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

- 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 12/29/2021 subject to extension or waiver.

The motion was seconded by R. Pickwick and carried unanimously. (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:** P. Harris moved that the proposal does not have a potential regional impact. The motion was seconded by W. Peterson and carried unanimously. (7-0)

The Chairman opened the public hearing. Mr. Jon Rokeh, PE was present for this application. He explained that they are doing a boundary line adjustment between two enormous parcels of land, 105 and 300+ acres. The purpose will be to bring forth a larger application in the future to bring this area into the quarry area of Gilmanton Sand and Gravel. He handed out an aerial version showing the relationship to the pit. It is right next to the existing quarry which is out of room. They will be coming back with the larger application. They are transferring 16 acres. It is not near any roads, structures or the Watson house or municipal boundaries. He thanked the Board for granting the waivers. The quarry, when expanded will be a similar operation to what's occurring now and will last for many years. There will be no change to what's been going on for years. When that next application comes in, there will be more info.

The Chairman asked if there were any additional comments or questions. There being none, he closed the public hearing.

**Board's Action – Gilmanton Sand & Gravel:**

**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 August 27, 2021.
2. Submit final plans (2 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. Change Gilmanton's signature block to For Recording Purposes Only, not Approved by.
  - c. The Location Map shows Loudon/Merrimack County instead of Gilmanton/Belknap
  - d. Sheet 1:
    1. note 6 correct map #
    2. note 7 correct lot number, correct Industrial acreages and setbacks
    3. under Plan intent add not in the aquifer protection district or floodplain
    4. under Plan intent add no stumping or grubbing or uses of transferred area shall commence until all approvals for proposed uses have been received.
    5. two owners and all abutters require title info
    6. ID area to be transferred as Parcel A
  - e. Sheet 2:
    1. correct "after" acreage on Watson
    2. change Gilmanton signature block per above
    3. ID area to be transferred as Parcel A
3. Final plans will not be signed or recorded until transferring deed has been approved by the Town

and is also signed and ready for recording along with any required subordination documents. Proposed transfer deed to be submitted to Town for review and approval prior to signing. Shall include standard language for merging Parcel A with Gilmanton Sand & Gravel lot (e.g. will hereafter constitute one tract of land; intended to be combined for all zoning, planning, building or other development purposes and may not be individually transferred or developed. No subdivision of this parcel of land may occur without approval from the appropriate authorities of the Town of Belmont).

4. Payment of decision recording fees (plans, deed, transfer fees, Notice of Decision, LCHIP).
5. Conditions precedent shall be completed no later than 10/25/22.
6. Compliance hearing shall be held by Board as necessary.

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

7. Approved uses include: None.
8. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
9. No changes shall be made to the approved plans unless application is made in writing to the Town.
10. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
11. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 10/25/22 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.
12. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

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

### **Plan Submission Meeting and Public Hearing – Jennifer Bouchard and Sunset Beach Condominium**

**Association:** Request for a boundary line adjustment approval to capture adjusted limited common area to reorient and reconstruct a detached one-story single-family condominium unit as a 2-story unit and increasing the footprint. Properties are located on Sunset Drive and 76 Sunset Drive, Tax Lots 107-150-000-000 and 107-150-000-004 in the “RS” Zone. PB #2021P.

The Chairman read from the Staff Report lot history. There are no waiver requests.

**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 12/29/2021 subject to extension or waiver.

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

**MOTION:** P. Harris moved that the proposal does not have a potential regional impact. The motion was seconded by W. Peterson and carried unanimously. (7-0)

The Chairman opened the public hearing. Mr. Josh Brien was present for this application. He noted this application captures less than 105sf of Ms. Bouchard’s limited common area. Ms. Shawna Bentley spoke



for Ms. Claire Peterson who was also present. She noted that Ms. Peterson owns 78 Sunset Drive. Ms. Peterson's concerns include transfer of limited common area requires approval or signature of each owner, the drainage on property, it's a wet area, the modification will result in less surface area for absorption, and the common area use of other unit owners. They request an engineering study on drainage impact. The increased height would interfere with her view. R. Pickwick asked about the height of other structures. Several answered that the other buildings are two story, and one is one story. Ms. Peterson answered that some are one and some are two, but this one would interfere with her view.

Mr. Brien noted this proposal captures only some of the Bouchard's limited common area for the Bouchard structure. The Association signed off on the transfer. The footprint of the house will preserve the same view Ms. Peterson has currently. D. Grimes asked about the height of the existing pitched roof one-story structure compared with the height of proposed flat-roofed two-story structure. Mr. Brien answered that the new roof is flat so it's not much higher. The existing roof is probably a 5:12 pitch and the new second story will be a full 8 feet.

C. Daigle explained the difference between an exchange of property in fee versus this exchange between one unit and its own limited common area. The exterior dimensions of the Bouchard's limited common area are not changed. Mr. Brien noted the height difference between the existing and proposed structure would be approximately 2', but Ms. Peterson's views are not over the structure, but straight down the common area so her views are not changed. D. Grimes asked about the height of the crawl space. Mr. Brien noted that they are restricted to nothing above 48". That is about one foot lower. They are adding gravel around the whole structure to better capture drainage. They cannot use drywells due to groundwater level. Staff was unable to locate the Association President's signed authorization in the file. Mr. Brien will share a copy of the authorization with staff.

The Chairman asked if there were any additional comments or questions. There being none, he closed the public hearing.

There was some confusion by members of the public who did not understand the meeting would close. No one had left the room. The chairman allowed additional comment. Mr. Russell Lipinski, 80 Sunset Drive was present and spoke against the proposal. He referenced multiple signatures necessary from the Association, drainage and losing access to the beach over the common area. C. Daigle repeated that only the signature of the President of the Association is required by the Town for submitting the application, if there is some underlying condominium document that requires some action on her part before submitting the application to the Town that is a matter for the Association to follow up on. They have a DES permit which deals with drainage. It is not a transfer of the common area that accesses the beach.

P. Harris explained why it's hard for the town because there are associations that have their own rules. They have the authority over when their association can act, but the Town has nothing to do with that. If a document is signed by, and as, the Association President they are understood to be acting for the Association. Ms. Bentley argued that this is not an effective approval because it was not signed by all association members.

The Chairman asked again if there were any additional comments or questions. There being none, he closed the public hearing.

**Board's Action – Jennifer Bouchard and Sunset Beach Condominium Association:**

**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 8/2/21.
2. Submit final plans (2 mylars, 6 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. The plans must be acceptable for recording (to scale, original signatures, no overstrikes, etc.). Make the following changes/corrections:
  - a. In all instances where a tax map and lot number is used (subject lot, abutter, etc.), correct numbering sequence to map=107, lot=150, subplot=000, unit=004 etc.
  - b. Lot ID for lot 107/150/000/002 is missing.
  - c. Plan indicates “existing 2-story house”, our records indicate it’s a 1-story.
  - d. Note 4 correct side setback to 25’. There is no rear setback on this lot. Delete second paragraph as this is not a preexisting, nonconforming lot.
  - e. Use a different line type/identify limited common areas. These look like property (in fee) lines.
  - f. In the title block identify as “A Condominium”.
  - g. Any other changes which your attorney may indicate are required to record this plan and the as-built plan as a condominium document.
3. Submit written authorization of the Association.
4. Payment of decision recording fee(s). Check made payable to BCRD for recording of the initial plan and Notice of Decision. Amount to be determined upon delivery of final plans.
5. Conditions precedent shall be completed no later than 10/25/22. Active and Substantial development of the approved improvements shall occur no later than 10/25/23 and improvements shall be substantially completed by 10/25/26.
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. Evidence of other agency conditions achieved (ZBA and NH DES Shoreland).
8. Occupancy/use of improvements requires submission of 2 mylar (recordable) and 2 paper original record (as-built) site plans including structures, utilities, drives, drainage and other site improvements along with a check made payable to BCRD for recording of the as-built plan. Amount to be determined upon delivery of final plans.

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

9. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
10. No changes shall be made to the approved plans unless application is made in writing to the Town.
11. The Planning Board shall have the power to modify or amend its approval upon its own motion to

do so.

12. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 10/25/22 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.
13. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
14. Operational conditions of the Town and other agencies shall be met (ZBA & NH DES).  
The motion was seconded by R. Pickwick and carried unanimously. (7-0)

**Plan Submission and Public Hearing – Paul Zuzgo for Raed Hertel Family Trust:** Request for subdivision approval to subdivide one lot into five. Property is located on Jamestown Road, Tax Lot 118-016-000-000 in the “RS” Zone. PB #2221P.

The Chairman read from the Lot History. There are two waiver requests.

- MOTION:** W. Peterson moved that the following waiver requests be granted:
- a. For just the two large lots: waive requirements for ledge, walls, encroachments, manmade features, 5’ topo by on-site, wetlands/water and soils limiting factors due to the large size of the two remaining lots.
  - b. For all lots; show off-site septic systems (up to 100’ off-site) and stormwater management plan and report because of the reasonable size of the lots being created and because there are no interior roads proposed and minimal disturbance by single-family residential development.
- The motion was seconded by K. Sturgeon and carried unanimously. (7-0)

- 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 12/29/21 subject to extension or waiver.
- The motion was seconded by W. Peterson and carried unanimously. (7-0)

- MOTION:** P. Harris moved that the proposal does not have a potential regional impact.
- The motion was seconded by W. Peterson and carried unanimously. (7-0)

The Chairman reported on departmental responses, notes only and other issues/questions. Water/Sewer indicates properties within 500’ of the sewer should connect. Public Works noted driveway sight distances, approved driveway locations, culverts as necessary, paved aprons (prior to development), and must connect to sewer unless waived.

The Chairman also noted the Staff Report indicates shortcomings or waivers that are required for this project to be acted on as proposed (sewer, driveway sight distances, 4:1 lot ratio, underground utilities and showing future phases) which were not requested by the applicant.

The Chairman opened the public hearing. Mr. Van Hertel was present and noted he was not ready to



proceed.

Ms. Sharon Ciampi, noted this was the 4<sup>th</sup> time to come down here only to find the applicant was not present or was not ready to proceed. She requested that he wait until he has his plan in place and stop making the abutters attend for nothing because he has more work to do. Mr. Hertel responded that he has had trouble with his surveyor. They're all so busy.

J. Pike noted that the Board already knows that the plans aren't ready. There are some issues there. What you're looking at tonight may not be the final design. Mr. Hertel stated he wanted to discuss the waiver for the sewage. Installation was too expensive. He asked how to apply for a waiver. C. Daigle went over the list of design criteria that was not met. She stated there is a form to ask for a waiver. P. Harris suggested his surveyor should be able to help. Mr. Hertel asked if he needed plans for the sewer extension. C. Daigle stated that he needs to submit engineered plans to the Public Works Department who will review them along with the State.

Mr. Brent Phillips of 389 Jamestown Road noted he is across the street, and opposed to the subdivision and development as proposed. His reasons:

1. They get a lot of groundwater runoff and he's concerned about increased impervious surfaces.
2. Erosion from the groundwater runoff.
3. Traffic issues. Everyone knows Jamestown Road is used as a cut through with speeding, and these driveway placements cannot provide sufficient line of sight. What mitigation will be used.
4. Concerned about the local water table and potential water drainage for wells serving more households. He recommends studies.
5. Concerned about additional septic tanks and fields to support them. His well supplies the entire campground, it's a public water system; he's worried about contamination.
6. This is only an initial step of development. Mr. Hertel hasn't disclosed the full plan to get a little through at a time. Overall plans should be disclosed for long-term future planning.

The Chairman asked if there were any additional comments or questions. There being none, he closed the public hearing.

**MOTION:** W. Peterson moved that the public hearing on this application be tabled to January 24, 2022, 6pm, this location, to allow the applicant to bring the proposal into compliance with regulations or to request waivers giving the full reason why such requests are reasonable. No additional noticing is required.

The motion was seconded by D. Grimes and carried unanimously. (7-0)

### **OTHER BUSINESS:**

#### **Public Hearing – Capital Improvement Plan (CIP) 2022-2027:**

The chairman opened the public hearing and asked for comments. Ms. Sharon Ciampi spoke to the Cemetery's request for \$60,000 for fencing. J. Pike stated he can't recommend the \$60K to replace the white vinyl fence at Church Hill. Ms. Ciampi noted there is a lot of damage to the fence; pickets are broken, gates are broken, there is moss and mold on fence. It's their biggest project. It was half the current price when they started, it's gone up. The \$60K includes work at the Dow cemetery on Rte 107 and gate replacement on Jamestown Road (it was stolen). When the damage to these two sites happened, they filed with the insurance company, met deductible and they paid out the balance using estimates from Superior

fence pre COVID. They were going to use Superior again, but they can't find parts for the Church Hill work. So, they're trying to switch over to a black aluminum, non-ornamental fence which won't fail. She noted they have \$29,738 in their Capital Reserve Fund as of 12/31/20 so they did authorize payment to start with Jamestown and Dow. The only thing they will then have left is to take down fence and trees at Bartlett cemetery.

P. Harris asked why they aren't using the CIP to save towards these big projects instead of trying to fund them all in one year. Ms. Ciampi noted Dow and Jamestown are being paid for by the insurance company and part of the CRFund and then the rest of the payment will come out of the CIP. The current estimate is \$45,451.82 for Church Hill. That will be the project to be done. D. Grimes asked about using some sort of volunteer plan and how many estimates they received. Ms. Ciampi noted the fence was damaged and they filed an insurance claim. The company came with an estimate for \$1,800 to fix the fence. She asked about the whole fence at the time and he gave an estimate of \$24,500. It's almost doubled. D. Grimes asked then why not just fix it. He can't see spending \$45,000 when it can be fixed and cleaned. Ms. Ciampi noted that both fencing contractors that have looked at the whole fence found it was incorrectly installed when it was erected and that using a power washer would blow it apart. D. Grimes thinks it can be done cheaper. Ms. Ciampi noted it's 150 lf around the side and 115 lf on Church Hill. Multiply that by two for all around and add 3 gates just on the front.

W. Peterson noted that fixing the fence is not part of the Planning Board's job. Ms. Ciampi noted they are trying to find other funds; going through the perpetual care funds and maybe a grant but they don't want to put it off. P. Harris counseled that if this is not a comfortable number for the Selectmen and Budget Committee, they may not get anything. He suggested not doing it all at once. Ms. Ciampi noted that it is right in the Village, surrounded by nice homes; it deserves to be done.

C. Daigle reminded everyone of the Planning Board's job in the CIP. P. Harris agreed that we make requests of all Departments to put their items into the CIP so that the Board can review them for impacts to the future of Belmont, but then they go to the Selectmen and Budget Committee before the final list is prepared for the voters.

Ms. Ciampi noted that this is a legitimate project and they would be more than happy to take any suggestions.

Chief Newhall went over four proposals for the Fire Department, noting that the Selectmen will next review these requests.

1. First is a boat to replace the Laconia boat they are currently borrowing for Lake Winnisquam. It is the only boat on Winnisquam. There will be no property protection or safety access on the Lake if the boat is not replaced. It was an extra boat that Laconia had. It's going in to be evaluated but Laconia is not sure it will go back into the water next year. There is only one public access to Winnisquam at night because the one at the bridge is locked at night. It's in Laconia.
2. Second is a command vehicle. The two command officers work from vehicles at incidents, respond from home, etc. They are both paramedics and respond as necessary.
3. Third is a utility vehicle. This vehicle maintains their property in winter, acts as a secondary forestry vehicle, plows dry hydrants, plows the driveway between DPW passes, and can go out ahead of our ambulance to get them in during storms.
4. Fourth is repairs to the garage. Since submission, Town Administrator Beaudin has indicated this may be moved out of the CIP and into a budget line item, but for now it remains in the CIP. The metal roof, siding and doors need to be fixed on garage.

P. Harris thanked the Chief for doing a great job.

Public Works Director Craig Clairmont explained that their CIP requests include maintaining the same \$750,000 annual request for the highway reconstruction program. J. Pike noted this recurring request has been in the CIP for 16 years. Additionally, they are requesting \$60,000 in the Highway Heavy Equipment fund; the same as last year. This fund allows the Department to replace small equipment and/or attachments during the year as may become necessary and has allowed them to catch up on equipment needs over the last few years. Also, there is a request to fund the replacement of a 2005 truck with a new 6-wheeler. This essentially maintains the current CIP level. There will be another truck replacement in 2023 which will catch up the trucks. They are essential for one of the primary functions of the department and must be maintained in dependable condition. They are worked hard in snow, ice, sand and salt conditions; sometimes around the clock in heavy storm conditions. The last thing anyone wants to see is a truck down in the middle of the night. Having dependable good equipment is also an incentive to hiring good employees and for the employees to keep them in top notch condition. Running the equipment beyond that point does not make sense. The Department has moved forward so much in the last few years and he appreciates everyone's involvement in that success.

Director Clairmont also noted the \$100,000 request for water capital improvements which is also a recurring request.

K. Sturgeon noted that the Town is so fortunate that the taxpayers support the annual \$750,000 request each year and road conditions overall in Belmont far exceed those found in towns around us like Gilmanton. Director Clairmont noted that Belmont has been attacking some big projects. They just paved part of Jamestown Road. They are finding that a shim and overlay is about 10% the cost of a full rebuild and the Town is getting caught up. At some point the Town may be able to go a year or so without a rebuild and keep up the shim and overlays. He noted they put a lot of asphalt down this year. J. Pike noted they have been raising \$750,000 annually for 16 years, but at some point, they must realize that it doesn't go as far any more.

Director Clairmont wanted to provide information to the members given the earlier discussion on cemetery fencing. They recently purchased installed fencing around dumpsters at \$6,500. He just received a quote for a repeat project around other dumpsters for almost \$9,000; an almost \$3,000 increase.

K. Sturgeon wanted to personally thank Director Clairmont for patching Dearborn Street for drainage and safety. Another member noted that Mile Hill Road in Belmont is beautiful-until you reach Laconia. Director Clairmont stated that he hears about that a lot. He went on to say how fortunate Belmont is in their DPW employees. K. Sturgeon noted that the taxpayers have been very fortunate.

D. Grimes thanked Chief Newhall for helping him out on Lake Winnisquam this past summer. He said he had called Marine Patrol for assistance when his boat failed. They contacted Belmont Fire for their boat. Mr. Grimes was able to get his boat started, but in the meantime the Fire Department boat had rescued another boat that was in much worse condition. He acknowledged the importance on having a presence on the lake.

**MOTION:** On a motion by W. Peterson, seconded by R. Pickwick, it was unanimously voted to approve the CIP as discussed and forward it to the Selectmen and Budget Committee for their consideration during the upcoming 2022 budget season. (7-0)

**Design Review – Gary & Elaine Cartier:** Discussion only of a request for waiver related to a two-lot subdivision. Waiver would be to create an approved private street including the full width of the required street right-of-way as frontage for a new lot to be shown on a subdivision plan to be approved by the Belmont Planning Board, but where new private street does not meet any of the road construction standards required in sections 9E and 10 of the Subdivision Regulations. Property located at 105 Hurricane Road, Tax Lot 223-054-000-000 in the “R” Zone. PB #1921P.

Mr. Gary and Mrs. Elaine Cartier, their daughter, and son-in-law, Dan were present. Mr. Cartier explained they are requesting a waiver to bypass Section 10 of the regs and to use the existing driveway in place of any upgrades to provide frontage for a new lot and second dwelling. They will provide a 50’ ROW coming in from Hurricane Road over the existing driveway to access that lot. He would sign a waiver that would eliminate the town from plowing, maintenance, garbage pickup, etc. There was a previous question of legality if he was to sell that property. He proposes to include in his deed that the driveway to the new house would be maintained as a passable and useable driveway by the owner of 105 Hurricane Road. So that takes care of who’s going to take care of it. He would sign the 674:41 waiver before anything could be built. The driveway has a large turnaround at the top of the mound and the driveway would turn in at that point, basically creating a hammerhead. So, now you’re just talking about granting that portion of the driveway from that point back to Hurricane Road as a separate ROW. The waiver would be signed. Everything would be brought down to Hurricane Road. They didn’t want to do a survey before he got a feel from the Board tonight whether the waiver would be granted because it is a substantial investment to lose if the waiver is not granted. This is for his daughter and son-in-law. There will be no additional development as long as he owns the property; no future lots. He had a chance to do that at one time as the property had been designed for a subdivision. He doesn’t want to do that. The restriction would be in his deed.

K. Sturgeon asked how this worked practically; how would the enforcement be handled. Mr. Cartier said the main house owner would have to maintain it by the deed. K. Sturgeon asked again how it is enforced. Mr. Cartier said if the second house owner had a problem, he could get a lawyer. K. Sturgeon said that back in the old days you could do that. You could also just put mobile homes on your property for your kids. It’s nice to give your kids land, but unfortunately, the Board took an oath to uphold the Regulations. The proposal will not meet the conditions for frontage. Mr. Cartier said it would be enforced through the deed. K. Sturgeon agreed that as long as the Cartier’s and their daughter are there it would probably be no problem. Mr. Cartier stated that a deed is a legal binding document. It would become a civil matter. D. Grimes asked what if the owner of the main house just said, “I’m not going to maintain it, it’s just not going to get done”. Mr. Cartier said the second house owner could bring suit and, in the meantime, just maintain it themselves. C. Daigle noted that in the Town’s experience the second house owner is going to come to the town for relief since the Town approved the road. The Town will have little or no authority to intervene.

Mr. Cartier pointed out that there are many such situations where there is more than one house on a single dirt access. W. Peterson pointed out that there are many, many grandfathered situations. That stopped when the Town adopted zoning and road standards for public safety purposes. He asked what minimum standard was being applied here; what is the existing standard; the Board needs to know what they’re being asked to waive. Mrs. Cartier noted that fire and police have been up there many times and that there are turnarounds available. W. Peterson noted that before adoption of the regulations there was no standard. He noted one instance where an existing public highway, approved before the adoption of new road standards, was not completed as required. The Planning Board worked with a replacement developer to finish the road right up through pavement instead of farmers’ mix. That is as close as the Board has ever

come to waiving any part of these road regulations. He pointed out that the Cartier plan calls for 300' of road. That does not seem an enormous amount to create a new building lot. Mr. Cartier noted with engineering, cores, paving it could easily be \$50,000 or \$60,000. They don't have that kind of money. W. Peterson said that the Board has to be sure such requests meet the requirements for granting a waiver; otherwise, many others could ask for the same relief and must be treated fairly. Mr. Cartier said the Board cannot tell if they would get more applications to waive road standards to build more homes. W. Peterson asked how the Board could grant a waiver without meeting the unique standard. Mrs. Cartier said it should be granted due to the spirit of the waiver being requested. They are trying to help out their kids, they are not slum lords, they have a beautiful home, they maintain their property, they pay high taxes to the town of Belmont, there are many other shared driveways in Town. W. Peterson explained the difference between shared driveways and what the Cartiers are requesting. There are a lot of multiple homes on shared driveways. But the lots are either grandfathered or have to meet the minimum standards for frontage. Mrs. Cartier continued that they pay a lot of taxes in Belmont. They choose to live here and are trying to do something for their kids. They are not trying to get away with anything. They have kids who go to school in the Town of Belmont. She asked that the Board consider some of those things. She said they will write it into a deed and will certainly do all that. D. Grimes asked about shared driveways. W. Peterson said the Board originally tried to encourage shared driveways for lots that met all the requirements just to lessen the number of curb cuts onto public roads, but ended up with problems between lot owners. When that happened, some owners even came back to the Town to close their shared driveway and each lot owner put in his own driveway. People have different expectations and needs when it comes to their driveway and it seems they never mesh with the shared owner. D. Grimes asked about our requirement for a short road into a property. W. Peterson noted that is a cluster subdivision. The lots can be smaller, the houses can be closer together, it requires a shorter road and less frontage. Then the rest of the lot is open space.

Mrs. Gail Hawkins, an abutter, started to list all the properties on Hurricane Road where one access serves more than one house. The Board reiterated, that many are preexisting. The Board's issue here is there are current regulations and a waiver request has to meet a minimum standard, which was provided to the Cartiers in their meeting packet.

Mr. Cartier said their request is unique. The Board is afraid others will want the same thing, but what if that doesn't happen? He has a good driveway. J. Pike doesn't know how much it costs to have cores done to determine what's there. He agreed the driveway does not get muddy. W. Peterson noted again that it's 300' that has to meet the standard. P. Harris asked what was the reason that they can't build the road. Is it wetlands, steep slopes, features, a unique hardship? He does not see a hardship here other than money and that's not a hardship especially when you have a good road to start the construction with. He noted the Master Plan wants the Town to do certain things. The Board doesn't do their job when they grant relief when it doesn't meet the standards for the waiver. He doesn't see one with this beautiful lot. They have 70 acres of buildable land and a beautiful driveway. D. Grimes knows the same problem exists for the owner of Drouin Drive. The owner is not happy that he has to maintain the road and the other owners on the road aren't required to help. Mrs. Cartier asked if they didn't feel the regulations are unduly restrictive?

The Board discussed other road standards such as maintaining a 50' wide ROW but reducing the constructed width to 18' or 20'. C. Daigle reminded the Board they can't change the regulations by granting a waiver, and they should not grant a waiver that does not meet the requirements for doing so. However, they can adopt amendments to the Regulations to create an alternate road standard for certain conditions. Mrs. Cartier reiterated that this is a unique situation because it's for her family.



W. Peterson felt it was a good time to consider alternate standards; but there is a minimum that has to be applied. R. Pickwick stated it seems it would be easy for this driveway to be widened out. Mr. Cartier noted when the new house is installed the access to the new lot would result in a turnaround. R. Pickwick felt it would be easy to come close to conforming with the existing regulations. The road can still be a private road; private or public it could be done. W. Peterson noted the Board established the existing regulations and can amend them or adopt an alternate standard to be used in certain circumstances as long as public safety is achieved and ensured. Maybe the Board could work on pavement. Mr. Cartier reiterated he does not want to pave it but would be willing to look at amended standards. The Board directed staff to evaluate and comment on amended road standards.

## **Zoning Amendments for Consideration**

### International Property Maintenance Code (IPMC):

The Board reviewed the proposal from Chief Newhall and the Selectmen to place the IPMC on the ballot for adoption. C. Daigle noted this would be an addition to the existing International Code Conference codes the Town implements. It is adopted in the same method as the Building Code which is very similar to Zoning Ordinance amendments. The Planning Board holds the public hearing and must include a statement on the ballot as to whether or not they support the amendment. The ballot must also indicate if the item was placed on the ballot by the Selectmen.

Chief Newhall noted the code had been proposed for adoption before and other communities such as Franklin have adopted the code. This will provide all departments (fire, health, building, code enforcement) with one standard to apply and follow. It can be used to assist during lot development or improvement and it can be cited fairly and consistently if there are violation issues. They are hoping to put them in place to clean up some of the more consistently non-compliant properties. He handed out copies of the Code to the Board.

Chief Newhall stressed that this is not a tool such as that wielded by the President of a private development association who wants to tell you how high your lawn can be. He asked that the Board consider it the same as any code, like the electrical code. The electrical code has thousands of specific details and requirements that are applied as necessary. No one goes into a home and applies the whole book. Officials must use common sense. There are so many health and safety problems that can be guided by these codes; no one is going to worry about lawns. This code will give officials the ability to cite a local code when we do have to go to court. They are also guidelines for people to use.

The Selectmen have asked him to bring this forth. He's not looking for an answer tonight. K. Sturgeon had questions about whether collapsed buildings are unsafe. The Chief provided information. The Chief reiterated that this is one standard that everyone can follow; they can all be on the same page.

W. Peterson asked what prompted this. The Chief acknowledged that there are some properties in the community that have avoided all attempts to have them cleaned up and they are getting worse. The Courts are looking for local violations and sometimes that is difficult to show. It brings compliance to a standstill. Under this code the Town can cite them under a local ordinance. It's part of building a case for problems that are so far out of control and provide relief to neighbors who suffer all the impacts of such violators.

R. Pickwick asked for a full copy of the Code. K. Sturgeon asked if this authorizes officials to just enter a business. The Chief explained that the Fire Department already has the authority to inspect any business that allows the public to enter. That does not extend to private homes. It's not more authority to access;

it's a minimum standard to be applied across the board; that is easily cited in cases of violators or used voluntarily by property owners.

Redistricting lot 201-016-000-000:

Staff did not feel this was necessary at this time as the owner has not pursued and the Board did not entertain it.

Allowing "detached" accessory dwelling units on residential property:

The Board discussed adopting the option of having an accessory dwelling unit in a detached residential accessory structure. The proposal allows for a slightly larger ADU, but also contains restrictions to assure that it remains an accessory use. They directed staff to move forward to provide language for the November meeting.

Define standards for a "subordinate" dwelling unit:

The Board has discussed the need for standards for a subordinate dwelling unit installed in conjunction with a non-residential use which is a currently recognized use in the Ordinance. Staff will draft language for the November meeting. Shall assure that uses remain subordinate to the on-site commercial use and removed if that commercial use ceases.

Text corrections:

There are some basic text corrections necessary in the Ordinance. Staff will provide for the November meeting.

Allow a second recreational vehicle to be stored on a home lot:

The Board did not find this necessary.

**Approval of Minutes – 09/27/2021:**

**MOTION:** On a motion by W. Peterson, seconded by P. Harris, it was voted unanimously to adopt the minutes of September 27, 2021 as written. (7-0)

**Adjournment:**

**MOTION:** On a motion by J. Pike, seconded by W. Peterson, it was voted unanimously to adjourn at 9:23 pm. (7-0)

Respectfully submitted:

Candace L. Daigle  
Interim Town Planner