



PLANNING BOARD

TOWN OF BELMONT, NH

Monday, April 24 2023

DRAFT

Belmont Mill, and Zoom
Belmont, NH 03220

Present: Chairman Peter Harris, Vice Chair Ward Peterson, Michael LeClair, Richard Pickwick, Kevin Sturgeon, Gary Grant, Jon Pike Ex-Officio

Absent: Dennis Grimes

Zoom: None

Staff: Karen Santoro, Interim Town Planner and Susan Austin, Land Use Assistant

Chairman Harris opened the meeting at 6:00 pm and welcomed those in attendance. He announced that any party experiencing any difficulty in accessing the meeting at any point, should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

Plan Submission Meeting and Public Hearing REM Central, LLC: Request for a Minor Site Plan approval to renovate existing building for a Dunkin and create new retail space; add bypass lane to existing drive thru. Property is located at 233 Daniel Webster Highway, Tax Lot 101-028-000-000, in the "C" zone. Planning Board Case# 05-23P

MOTION: M. LeClair moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted in a timely manner to complete review and act on the application. The Board shall act on this proposal by 6/28/2023 subject to extension or waiver.

J. Pike seconded the motion.

Vote: All in favor, motion carried (7-0)

DEVELOPMENT OF REGIONAL IMPACT

Chairman Harris stated that in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

MOTION: M. LeClair moved that the proposal does not have a potential regional impact.
K. Sturgeon seconded the motion.
Vote: All in favor, motion carried. (7-0)

Departmental Responses:

P. Harris read aloud the departmental responses.

Fire: Adequate space for fire apparatus to go around and have access to back & sides of building required.

Police: Initial concerns was for traffic turning left from the business to head SB. This has been a concern for some time with all the businesses due to the traffic volume increasing. We cannot discourage vehicles from turning left, but we can hope that they do so safely. No other concerns at this time.

Building Official/Code Enforcement Officer: Southbound traffic turning into the parking lot. Southbound traffic leaving the parking lot. According to site plan bypass drive through lane does not look to have enough room?

Staff Comments:

The existing site plan is for a restaurant with a drive-thru. As the site plan approval exists, if no changes to the site were made Dunkin could open with a Change of Tenant form. They are requesting a modification of the existing site plan to include creating a by-pass lane on the existing drive thru and realigning a portion of the parking to accomplish this. Typically, a modification of a site plan would not require a drainage study. Due to the proximity of a surface pond for stormwater management, at the request of Land Use staff the engineer for the applicant provided a memo outlining the overall change in impervious surface coverage (20sf increase) and the negligible effect that it would have on existing stormwater management.

There were concerns raised at the ARC meeting regarding traffic exiting on to Route 3, more specifically making a left turn to go southbound. The applicant has provided a traffic study that indicates the impact to traffic would not be significant. The applicant is proposing to modify the exit to include a right- and left-hand turn lane to reduce the stacking of vehicles onto the site.

As part of the modification to the existing plan, they are proposing that the building be split into two occupancies. Dunkin will occupy 2576 sf; a second tenant retail space would occupy the remaining 1742 sf.

Additionally, the applicant has worked with the abutting property owner to realign parking spots that had encroached on the subject property. The property owners have also worked together to install a gate to allow emergency vehicles to travel around Dunkin and exit more easily over the abutting property to the north.

Jim Clifford, property owner, and George Delegas, Architect, and Jason Hill from TFMoran were present for the application. Mr. Hill distributed a colored version of the site plan. Mr. Hill stated that they met with ARC in March, where they received good feedback from the members. They are proposing to develop a 26 seat, 2,576 sf Dunkin drive thru restaurant, with 1,742 sf attached retail space. Specific components of this project include construction of a new bypass lane for the drive thru, adding a new walk-in freestanding cooler on the south side of the building. Two exit lanes for right and left turn movements will be created. Based on comments from the Assistant Fire Chief, they will be adding gated access to the abutting lot for emergency apparatus circulation. They plan to use the existing pylon signs and refacing them with Dunkin corporate signage, add internal directional signs and update the menu board sign. The existing Dunkin that is located at the Belknap Marketplace will be moving to this new location.

MOTION: W. Peterson moved to find this application a Minor Site Plan.
 M. LeClair seconded the motion.
 Vote: All in favor, motion carried (7-0)

Chairman Harris opened the public comment.

Sharon Ciampi was present as a citizen. She stated that she has concerns about the traffic exiting the lot, specifically the left turn. W. Peterson stated that it's a state highway, and NH DOT has granted the driveway permit, so it isn't in the Board's jurisdiction.

Chairman Harris closed the public comment.

MOTION: M. LeClair moved that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

Conditions (precedent) to be complied with or secured (as appropriate) prior to plan being signed and decision recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and decision recorded.

1. This action is based on a plan or plan set dated 2/21/2023, received 4/3/2023.
2. Submit final plans (4 full size, 1 reduced, 1 pdf). Submit one copy for approval prior to submitting all required copies. Make the following corrections to the final plans before submitting:
3. Evidence of other agency permits obtained. Building permit, updated DOT driveway permit for all site entrances, if necessary.
4. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of \$20.60.
5. Conditions precedent shall be completed no later than 4/24/2024. Active and Substantial development of the approved improvements shall occur no later than 4/24/2025 and improvements shall be substantially completed by 4/24/2027.
6. Compliance hearing shall be held by the 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. Submission of building plans, approved by Building Official and Fire Department; shall comply with all applicable building, fire, health, and life safety codes.
8. 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.
9. Obtain successful milestone observations from the Building Official, Fire Department, and NHDOT, if required.
10. All improvements to be completed or secured (as allowed by the Town) prior to any occupancy of the site.

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

11. Approved uses include restaurant and retail.
12. Comply with Aquifer Protection district regulations.
13. Successful annual aquifer inspections required.
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. Dumpsters shall remain screened on all sides and should be placed on an impervious surface (asphalt/concrete).
16. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
17. Any changes in tenancy require a Change of Tenant/Use application submitted to the Land Use Office. If Staff determines the change is significant, particularly if it will have an impact on parking, Site Plan review by the Planning Board may be required.
18. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
19. All exterior lighting shall be downcast and shielded from abutters and traffic.
20. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
21. No changes shall be made to the approved plans unless application is made in writing to the Town.
22. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
23. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 4/24/2024 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.

- 24. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
- 25. Operational conditions of the Town and other agencies shall be met.

K. Sturgeon seconded the motion.

Vote: All in favor, motion carried (7-0)

APPROVAL OF MINUTES-MARCH 27, 2023

MOTION:

J. Pike moved to approve the minutes of March 27, 2023 as written.

R. Pickwick seconded.

Vote: All in favor, motion carried (7-0)

STAFF REPORT:

Voluntary Lot Merger: Susan Ann Pilliod and Charlie Phillips Pilliod

Lot 1: 215-001-000-000

Lot 2: 226-023-000-000

K. Santoro stated that it appears that in the past this lot was merged by the Town in error. The two lots were not in the same ownership name. This issue has been corrected and the owner has completed the merger paperwork, including the Declaration of Restrictive Covenants. They would need the Board’s approval for the merger.

MOTION:

W. Peterson moved to approve the merger request for Lots 215-001-000-000 and Lot 226-023-000-000.

J. Pike seconded.

Vote: All in favor, motion carried (7-0)

Gale School: Proposed Uses

K. Santoro informed the Board that when the Gale School project was approved, the proposed use was as a daycare. Now that Lakes Region Community Development is really ready to move forward with the project, they are defining how they plan to use the building. The primary use on the first floor is a daycare for children. The second floor is proposed to be a place for seniors to gather on one side; and the other would be for intellectually disabled care and life skills training. As a supplement to the daycare for children they are proposing to offer parenting classes. She stated that they would need to decide if they want the applicant to come back for Site Plan approval, or would the Board consider the classes as an ancillary use and allow an Administrative Approval? The consensus of the Board was to allow an Administrative Approval as an ancillary use.

Tioga Ridge Subdivision (Wild Acres Road & Grimstone Road) – paving schedule

K. Santoro stated that she is requesting consensus of the board if they are okay with the developer delaying the paving schedule to start in September rather than in May. She stated that the engineer

for the project had sent an email asking to postpone paving because there are more lots being developed this summer and there is concern that construction equipment will be hard on a new road. She stated that she has spoken to Craig Clairmont at DPW, and he is okay with that, as it will still go through a freeze/thaw cycle. They plan on starting the paving on September 15. All other work on the punchlist would have to be completed by the May deadline. The Board is agreeable to allowing the change of schedule.

Susan Turcotte – Gilford subdivision approval

K. Santoro stated that a few weeks ago, a boundary line adjustment plan from the Town of Gilford was dropped off for the Chairman’s signature. After realizing that a small portion of the property is located in the Town of Belmont, and we could not find a notice from the Town of Gilford. At this point, Land Use staff are waiting for clarification when abutting towns are required to be notified. This is only informational at this point; no action is required by the Board.

Agritourism

Currently there is a property in Belmont that is running a small campground and they are claiming exempt status under agritourism laws. The statute permits the use but does not exempt them from site plan regulations. K. Santoro will reach out to the property owner and let them know that they need to come before the Board. This is only informational at this point; no action is required by the Board.

The Tap House

K. Santoro stated that this project was before the Planning Board in the fall. Recently, the builder asked if they could put a roof on the deck that was approved, but the way it was presented for the original approval was as an open deck. This is only informational at this point; no action is required by the Board.

140 Laconia Road

The property owner has requested to move the location of previously approved car sales at his business location. K. Santoro stated that the notes on the approved site plan were specific to heavy equipment sales only. This is only informational at this point; no action is required by the Board.

Election of officers

MOTION: J. Pike moved to nominate Peter Harris as Chairman of the Planning Board
R. Pickwick seconded.
Vote: All in favor, motion carried (7-0)

MOTION: J. Pike moved to nominate Ward Peterson as Vice Chairman of the Planning Board
R. Pickwick seconded.
Vote: All in favor, motion carried (7-0)

NON-PUBLIC SESSION

MOTION: P. Harris moved to enter Non-Public, under RSA 91-A:3, II (a) (personnel) at 7:18 PM
W. Peterson seconded

Roll Call Vote: J. Pike-Yes
M. LeClair-Yes
G. Grant- Yes
P. Harris- Yes
W. Peterson-Yes
R. Pickwick-Yes
K. Sturgeon-Yes

Staff present: K. Santoro and Susan Austin.

K. Santoro addressed the Board regarding the promotion from Land Use Technician to Town Planner. She noted that she has been serving as Interim Planner since January.

MOTION: P. Harris moved to come out of Non-Public at 7:35 PM.
J. Pike seconded

Roll Call Vote: J. Pike-Yes
M. LeClair-Yes
G. Grant- Yes
P. Harris- Yes
W. Peterson-Yes
R. Pickwick-Yes
K. Sturgeon-Yes

MOTION: M. LeClair moved to appoint Karen Santoro as Town Planner.
R. Pickwick seconded
Vote: All in favor, motion carried (7-0)

ADJOURNMENT

MOTION: M. LeClair moved to adjourn at 7:41 PM
K. Sturgeon seconded the motion.
Vote: All in favor, motion carried (7-0)

Respectfully Submitted

DRAFT

Belmont Planning Board

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April 24, 2023

A handwritten signature in black ink that reads "Susan M. Austin". The signature is written in a cursive, flowing style.

Susan M. Austin
Land Use Assistant