



PLANNING BOARD TOWN OF BELMONT, NH

Monday, August 28, 2023
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

Alternates Absent: Dennis Grimes

Staff: Karen Santoro, Town Planner, Rod Cameron, Land Use Tech, Susan Austin, Land Use Assistant.

Zoom: Glen Eastman

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.

K. Santoro stated that due to the redesign of the roadway, and the feasibility of the project, the applicant is requesting that the applications be withdrawn at this time.

Plan Submission Meeting and Public Hearing: Lakeview at Belmont, LLC: Continuation of a Request for Subdivision Approval to subdivide 172 acres into 4 lots, three of the lots will be single family residential lots, while the fourth lot will have nine 2-bedroom condominium units. Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural Zone. Planning Board case #09-23P

MOTION: R. Pickwick moved to approve the request to withdraw the application of Lakeview at Belmont, LLC for Subdivision Approval to subdivide 172 acres into 4 lots, three of the lots will be single family residential lots, while the fourth lot will have nine 2-bedroom condominium units. Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural Zone.

G. Grant seconded the motion.

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

Plan Submission and Public Hearing: Lakeview at Belmont, LLC: Continuation of a Request for Site Plan approval to convert from a Golf Course to residential use. Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural Zone. Planning Board case #10-23P

MOTION: R. Pickwick moved to approve the request to withdraw the application of Lakeview at Belmont LLC for Site Plan approval to convert from a Golf Course to residential use.

Property is located at 89 Ladd Hill Road, Tax Lots 206-013-000-000, 201-066-000-000 and 201-067-000-000, in the Rural zone.

K. Sturgeon seconded the motion.

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

Plan Submission and Public Hearing: Fall Line Trust: Request for Subdivision Approval to subdivide 16.58 acres into 9 lots, creating 8 new lots. Property is located at 70 Bishop Road, Tax Lot 205-047-000-000, in the Residential Single Zone. Planning Board case # 13-23P

Bryan Bailey from Bailey Associates was present for the application. He stated that this lot was 90% fields. The proposed lots will be serviced by individual wells and septic. The applicants have decided to retain the existing buildings, so they have shifted the lot lines a bit. B. Bailey discussed the three plan sheets. The first is an overview, the second shows septic, topo, wetlands, and the third shows the proposed lots with all detail. The well and septic for the existing home will be abandoned. **Waiver Requests:**

B. Bailey explained his reasoning for his waiver requests.

- **Section 5-D-6: Stormwater Management & Erosion Control Plan & Report:** This subdivision regulation is not applicable to the proposed project and requests a waiver be granted. This proposal is ONLY for the subdivision of land and does not include the development of any lot to be created. Development of individual lots shall be developed ONLY after the land has been sold and the buyer decides to build or develop the land.
- **Section 5-D-7: Road Profiles, Cross-Sections & Details Plan:** This subdivision regulation is not applicable to the proposed project and requests a waiver be granted. This proposal is ONLY for the subdivision of land and does not include the development of any lot to be created. Development of individual lots shall be developed ONLY after the land has been sold and the buyer decides to build or develop the land.
- **Section 5-D-8: Special Features Plan & Report:** Special features of this property include the man made farm pond and prior use as a farm and pasture land.
- **Section 5-E-6: Quality Assurance Program:** This subdivision regulation is not applicable to the proposed project and requests a waiver be granted. Upon the sale of individual lots and upon the buyer and or developer to request a building permit that individual will have to comply with Best Management Practices for Sediment & Erosion Control.

K. Santoro stated that staff supports the waiver requests for completeness only.

MOTION:

M. LeClair moved to grant the following waivers:

- Section 5-D-6: Stormwater Management & Erosion Control Plan & Report.
- Section 5-D-7: Road Profiles, Cross-Sections & Details Plan.
- Section 5-D-8: Special Features Plan & Report.
- Section 5-E-6: Quality Assurance Program.

J. Pike seconded the motion.

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

MOTION:

M. LeClair move 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 11/1/23 subject to extension or waiver.

G. Grant seconded the motion.

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

DEVELOPMENT OF REGIONAL IMPACT

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.

K. Sturgeon seconded the motion.

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

Departmental Responses:

Fire: No additional response from last month.

Public Works: No additional comments from last month.

Code Enforcement Officer/Building Official: No additional comments to add from last month.

Assessing: Show calculated CU and NICU areas for lots 205-047-000-000, 205-047-005-000 and 205-047-006-000 on a plan prior to subdivision.

Staff Notes:

1. Lot 47-1 does not indicate 35' setback from wetlands; this reduces buildable area.
2. Plans do not show well and septic location for existing homestead. Are they located wholly on the lot? If they are going to be abandoned, new locations need to be indicated.
3. Non-Current Use area needs to be calculated for three lots (205-047-000-000; 205-047-005-000 and 205-047-006-000).
4. Existing house appears to be very closed to required 25' setback; location should be confirmed. Front of house extends into front setback which is a pre-existing/nonconforming condition.

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

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

1. This action is based on a plan set dated 7/27/2023.
2. One copy of the proposed plan should be submitted to Eversource for information purposes.
3. Prior to plan signing/recording an escrow shall be established for any incomplete improvements

Including setting of pins and bounds, and as-built plans (as necessary). Applicant shall submit engineer/surveyor estimates for improvements for review by the Land Use Office.

4. Submit final paper plans (5 full size, 1 reduced, 1 pdf). Submit 2 mylar copies of sheet 1 and 3 suitable for recording. Submit one copy (preferably electronic) for approval prior to submitting all required copies.
 - i. Add/identify/include/correct on plan:
 - a. Indicate location of well and septic for existing house. If current well and/or septic are to be abandoned this must be located/noted.
 - b. Indicate wetlands setback for lots 205-047; lot 205-047-001 and 205-047-005
 - c. Remove stray "Existing Home" text
 - d. Calculate per lot area not in current use for lots 205-047-000-000;205-047-047-005-000 and 205-047-006-000.
 - e. Correct spelling of "Subdivision" on Page 1 signature block.
5. Payment of decision recording fee. Check made payable to BCRD in the amount to be determined (mylar and notice of decision).
6. Conditions precedent will be met no later than 8/28/2024.
7. Applicant shall sign and return copy of Town's Inspection Schedule, if applicable. Schedule will be available once final plans are submitted.
8. 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):

9. Provide wetland information to new property owners for proposed lot 205-047-001-000 and 205-047-005-000 to make them aware of wetland setbacks, filling and/or alteration guidelines.
10. Any monumentation disturbed or destroyed during construction shall be replaced.
11. 5' paved driveway aprons and culverts (as necessary) shall be installed prior to development on the lots.
12. All utilities must be underground.
13. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
14. No changes shall be made to the approved plans unless application is made in writing to the Town.
15. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
16. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 8/28/24 unless all conditions are met or an extension is applied for and granted in accordance with the Regulations. Active and substantial development of the improvements to be completed no later than 8/28/2025. 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.
17. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

J. Pike seconded the motion.

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

Plan Submission and Public Hearing: Walterlynnne 22, LLC: Request for Site Plan Approval to modify a previous condition of approval of the original site plan to remove the requirement for a fence along the rear slope. Property is located at 1213 Laconia Road, Tax Lot 241-006-000-000, in the Industrial Zone. Planning Board Case #15-23P.

Bernie Temple from Rokeh Consulting was present for the applicant. He stated that they were requesting a Site Plan Revision to remove the requirement for a chain link fence adjacent to a riprap drainage swale at the rear of the building that was added as a condition of approval on the original Site Plan. Now that construction is complete, there is no effective way to install a fence. They would like to instead place warning signs along the area where the fence was to be installed.

K. Santoro noted the she and R. Cameron had recently visited the site to inspection the progress of the construction and observe the proposed location of the chain link fence in question. It was observed, at that time, that a fence in that location was not necessary. However, it was agreed that some type of signage identifying the potential danger should be installed on the ridge adjacent to the sheer drop above the site.

Chairman Harris stated that the applicant has several waiver requests.

WAIVER REQUESTS

Section 5.D.3 – Soils Report

B. Temple stated that the current proposal is to replace the proposed fence with signs because the ledge and final grades make it impossible to install a fence on site. No other changes to the approved site plan are proposed.

Section 5.D.4 – Topo Plan

B. Temple stated that the current proposal is to replace the proposed fence with signs because the ledge and final grades make it impossible to install a fence on the site. No other changes to the approved site plan are proposed.

Section 5.D.5 – Aquifer Plan

B. Temple stated that the current proposal is to replace the proposed fence with signs because the ledge and final grades make it impossible to install a fence on the site. No other changes to the approved site plan are proposed.

Section 5.D.6 Utilities/Fire Protection Plan

B. Temple stated that the current proposal is to replace the proposed fence with signs because the ledge and final grades make it impossible to install a fence on the site. No other changes to the approved site plan are proposed.

Section 5.D.7 – Stormwater Management Plan

B. Temple stated that the current proposal is to replace the proposed fence with signs because the ledge and final grades make it impossible to install a fence on the site. No other changes to the approved site plan are proposed.

MOTION:

M. LeClair moved to grant the following waivers:

- Section 5.D.3 – Soils Report
- Section 5.D.4 – Topo Plan
- Section 5.D.5 – Aquifer Plan
- Section 5.D.6 Utilities/Fire Protection Plan
- Section 5.D.7 – Stormwater Management Plan

R. Pickwick 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: P. Harris moved that the proposal does not have a potential regional impact.

W. Peterson seconded the motion.

Vote: All in favor, motion carried. (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 11/1/23 subject to extension or waiver.

J. Pike seconded the motion.

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

Departmental Response:

Fire: No emergency access around the rear of the building.

Building/Codes: My only add is to discuss what the original intent of the fence was and if signage will be an appropriate alternative? I don't think the town could have liability, but something to discuss at a minimum.

Staff comments: Staff visited the site on July 12, 2023. Due to the existing topography, the applicant is requesting that the requirement for a fence be removed from the approval conditions. All other condition of approval would remain in place.

K. Santoro stated that staff reviewed minutes from the original approval and found no indication as to why the fence was a condition of approval.

R. Cameron stated that the fence that is shown on the plan is not a barrier at the top of the slope. It looks like there was never any intention to put a fence at the top of the ledge.

Chairman Harris opened the public comment. There was no public present.

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 January 14, 2022; revised to April 25, 2022.
2. Submit final plans (6 paper, 1 reduced). Submit one copy for approval prior to submitting all required

copies. Add/identify/include note on plan:

- a) Amend plan to remove note requiring the installation of a fence on the slope.
3. Payment of decision recording fee. Check made payable to BCRD, in the amount of \$20.63, to record Notice of Decision.
4. Conditions precedent shall be completed no later than 8/28/24. Active and Substantial development of the approved improvements shall occur no later than 8/28/25 and improvements shall be substantially completed by 8/28/27.
5. 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.

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

6. Approved uses with this application include: 2-story heated storage facility. Warehousing-interior storage of vehicles, recreational and off-road vehicles, trailers, and watercraft storage (not self-storage).
7. All other prior conditions of March 28, 2022 Site Plan approval remain in place.
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 8/28/24 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.
13. Operational conditions of the Town and other agencies shall be met.

K. Sturgeon seconded the motion.

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

Minutes:

Amend/Approve prior meeting minutes of July 24, 2023.

MOTION:

K. Sturgeon moved to approve the minutes of July 24, 2023, as written.

W. Peterson seconded the motion.

Vote: Motion carried (6-0-1 J. Pike abstained)

Infrastructure discussion:

K. Sturgeon noted that he had brought this up a few meetings ago. He expressed his concern about the aging infrastructure in the Town of Belmont, and that the town should have a plan to update the pipes, some of which are over 70 years old. He asked that J. Pike go back to the Select Board and talk to the other selectmen about this issue. He also stated that he'd like to keep this discussion going and try to see if there is a way to put this on the radar.

STAFF REPORT

Zoning Amendments

K. Santoro distributed a list of possible zoning amendments for 2024. She asked that the Board read over the list, and at the September meeting start the discussion about what to add to the ballot. It was noted that Zoning Amendments will be on the agenda for the next few meetings.

MOTION: On a motion by M. LeClair seconded by K. Sturgeon, it was voted unanimously to adjourn at 7:28 pm. (7-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant

Adjourn at 7:28 ML/KS