



PLANNING BOARD MINUTES

TOWN OF BELMONT, NH

MONDAY, January 22, 2024 6:00 P.M.

Belmont Mill 1st Floor (Corner Meeting House Room)

TEMPORARY LOCATION 14 Mill Street & Zoom

Present: Vice Chairman Ward Peterson, Jon Pike Ex-Officio, Richard Pickwick, Kevin Sturgeon, Gary Grant, and Michael LeClair.
Staff: Karen Santoro, Town Planner; and Susan Austin, Land Use Assistant
Absent: Chairman Peter Harris, Gary Grant and Dennis Grimes (alternate)
Zoom: None
Town Staff: Brian Jakes, Assistant Public Works Director.

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

Vice Chairman Peterson asked that everyone be respectful to each other and the Board members, and to please direct all questions and comments to the Board. The public will be allowed the opportunity to address the Board during the public hearing.

Plan Submission and Public Hearing – Raed Hertel Family Trust: Request for Subdivision Approval to subdivide to subdivide 5 single family residential lots from Tax Lot 118-016-000-000. Property is located on Jamestown Road in the Residential Single-Family Zone. Planning Board Case # 23-23P.

K. Santoro stated that they have received a request from the applicant to continue this application until February.

MOTION: J. Pike moved to table the request for Subdivision Approval until February 26, 2024 at 6PM.
R. Pickwick seconded the motion.
Vote: All in favor, motion carried (6-0)

Plan Submission and Public Hearing - NH Solar Parent, LLC:

Request for Site Plan approval to install a ground mounted solar facility on approximately 8.39 acres of the 11.69-acre lot. Property is located at 985 Laconia Road, Tax Lot 125-047-000-000, in the Commercial District. Planning Board Case # 01-24P

COMPLETENESS OF APPLICATION

WAIVER REQUEST:

MOTION: K. Sturgeon moved to grant the waiver to Section 9E. Parking and Loading Requirements, because No public will be entering the facility and the proposed driveway and turnaround provides adequate off-street parking for maintenance visits.

R. Pickwick seconded.

Vote: All in favor, motion carried. (6-0)

MOTION: K. Sturgeon moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by 3/27/2024 subject to extension or waiver

R. Pickwick seconded.

Vote: All in favor, motion carried. (6-0)

Vice Chair Peterson 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: R. Pickwick moved that the proposal does not have a potential regional impact.

G. Grant seconded the motion.

Vote: All in favor, motion carried (6-0)

Brigid Elsmore and Josh Howard from Hoyle Tanner were present to represent the applicant. B. Elsmore stated that site is currently an abandoned gravel pit. They are proposing to construct a 2.6 MWdc fixed ground mounted solar facility, with security fencing, equipment pad, battery storage system, an electrical connection to the existing infrastructure, landscaping and access drive. The batteries are housed in a shipping crate on a concrete pad with measures to prevent leaking.

Vice Chair Peterson opened the public hearing.

Jay Grafton, 94 Seavey Rd. J. Seavey stated that when the batteries need to be replaced, the Fire Department needs to be trained on that. He stated that he has many years of experience with solar and battery storage.

Vice Chair Peterson closed the public hearing.

K. Santoro noted that in the department comments the Police Chief asked about a Knox box, and that the applicant has indicated that there would be a Knox box or an equivalent on site.

MOTION: R. Pickwick move that the application for amendment 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 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 12/19/2023.
2. 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.
3. Submit final paper plans (5 full size, 1 reduced, 1 pdf). Submit one copy (preferably electronic) for approval prior to submitting all required copies.
4. Payment of decision recording fee. Check made payable to BCRD in the amount to be determined (Notice of Decision).
5. Conditions precedent will be met no later than 1/22/2025.
6. Applicant shall sign and return copy of Town's Inspection Schedule, if applicable. Schedule will be available once final plans are submitted.
7. 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):

8. Any monumentation disturbed or destroyed during construction shall be replaced.
9. Utilities must be underground where practicable.
10. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
11. No changes shall be made to the approved plans unless application is made in writing to the Town.
12. The Planning Board shall have the power to modify or amend its approval upon its own

motion to do so.

13. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 1/22/25 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 1/22/2026. 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.
14. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
15. The applicant will build a paved apron to protect the road during construction.
16. The batteries will be enclosed.

J. Pike seconded the motion.

Vote: All in favor, motion carried (6-0)

Plan Submission and Public Hearing – DeRoy/Atherton: Request for Subdivision Approval to subdivide one lot into two from Tax Lot 230-079-000-000. Property is located at 386 Bean Hill Road, in the Residential Single Zone. Planning Board Case #02-24P

J. Pike recused himself.

COMPLETENESS OF APPLICATION

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 3/27/2024 subject to extension or waiver.

R. Pickwick seconded the motion.

Vote: All in favor, motion carried (5-0)

DEVELOPMENT OF REGIONAL IMPACT

Vice Chairman Peterson 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: W. Peterson moved that the proposal does not have a potential regional impact.
 K. Sturgeon seconded the motion.
 Vote: All in favor, motion carried (5-0)

Bryan Bailey was present to speak for the application. He stated that there is an existing home on the property that will stay on 2.38 acres, and the remaining acreage will create another lot that will be 2.64 acres. They have received state subdivision approval. The second lot will be suitable for a single-family residence, but at this time there is no current plan to build on the proposed vacant lot. On the south side of the lot, there is a 40-foot-wide easement that that benefits Lot 76.

K. Santoro stated that the deed indicates an easement to New England Telephone & Telegraph Company and Public Services Company of New Hampshire. Easement does not appear to be indicated on the plan or in notes. B. Bailey stated that they don't know where it is either. They have referenced the deed, but this is a title issue not a survey issue. Because this was subdivided back in 1979 from a much larger parcel, this easement is more than likely on the remainder part of that subdivision.

Vice Chair Peterson opened the public hearing portion of the meeting.

Dmytro Otblesk, who lives 398 Bean Hill Road, asked if this lot will stay residential. B. Bailey stated that it would stay residential.

MOTION: K. Sturgeon moved that the application for Subdivision 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 12/1/2023.
2. Submit final paper plans (5 full size, 1 reduced, 1 pdf). Submit 2 mylar copies suitable for recording. Submit one copy (preferably electronic) for approval prior to submitting all required copies.
3. Add/identify/include/correct on plan:
 - Provide sheet without topographical/wetland details for recording
 - Remove "Original Lot 230-79" label from sheet to be recorded
 - Add note re: prior to development on lot 79-1 a 5' paved apron must be installed
 - Lot 78 should be Lot 76.
4. Payment of decision recording fees. One check made payable to BCRD for Plan and Notice of Decision recording fee (amount to be determined) and second check made payable to BCRD for LCHIP fee \$25.

5. Conditions precedent shall be completed no later than 1/22/25.
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. 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. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 1/22/25 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.
10. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

G. Grant seconded the motion.

Vote: All in favor, motion carried (5-0)

J. Pike returned to the table.

Minutes

Amend/Approve prior meeting minutes of December 18, 2023.

MOTION: K. Sturgeon moved to approve the minutes of December 18, 2023, as written.
R. Pickwick seconded the motion.
Vote: Motion carried 5/0/1; W. Peterson abstained.

Temporary Certificate of performance- Tioga Ridge Subdivision. –

K. Santoro stated that the applicant has requested a temporary certificate of performance. Brad Jones, from Jones and Beach Engineers, Inc. and Glynn DeSilva from KTM Exteriors and Recycling LLC were present to discuss this request. B. Jones stated that they have installed guardrail, the road have binder and they have sealed any cracks they found. The applicants engineer, the Town's engineer, DPW Director, Assistant DPW Director, Town Planner and Land Use Tech met on site with Glynn DeSilva in October. At that time, it was suggested that KTM could place funds in escrow for the Town to pave the road at the same time as the lower Town maintained portions of the roadway. B. Jackes indicated that the town received a price to do a top coat which is \$106,072. B. Jones stated are asking the Board to accept that amount and grant a temporary certificate of performance. K. Santoro informed the Board that, after a discussion with the DPW, that it would be more cost effective for the Town to take over plowing for the 2024-2025 winter season. This would not indicate acceptance of the road, it would only be for plowing/sanding and not abrogate the applicant's responsibility until final acceptance is granted.

B. Jones noted that herbicide had been applied in November 2023, it was agreed that KTM would be responsible for a spring application of herbicide to supplement the previous fall application.

MOTION: J. Pike moved to grant a Temporary Certificate of Performance to Jones and Beach Engineers for the Tioga Ridge Subdivision. The Certificate will be dated on the day the bond is received.

K. Sturgeon seconded the motion
Vote: All in favor, motion carried. (6-0)

Staff Report

K. Santoro stated that the Land Use Department has been very busy these last few weeks.

ADJOURNMENT

MOTION: On a motion made by K. Sturgeon, by seconded by R. Pickwick, it was voted unanimously to adjourn at 6:54 pm.
Vote: All in Favor, Motion carried (6-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant