



PLANNING BOARD MINUTES

TOWN OF BELMONT, NH

Monday, November 27, 2023
Belmont Mill, and Zoom
Belmont, NH 03220

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

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

Absent: Michael LeClair and Dennis Grimes (alternate)

Zoom: None

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.

Chairman Harris 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.

K. Sturgeon asked to reorder the agenda and move CIP to after the two cases, as there were professionals present who were representing the applicants.

MOTION: K. Sturgeon moved to reorder the agenda, moving the public hearing for CIP until after the two cases in front of the Board.
J. Pike seconded the motion.
Vote: All in favor, motion carried (6-0)

Plan Submission and Public Hearing - Lakeview at Belmont LLC: Continuation of a request for Subdivision Approval to subdivide 3 single family residential lots from Tax Lots 201-067 and 201-066, and create an Open Space Easement on Tax Lot 206-013. Property is located at Ladd Hill Road/Old Ladd Hill Road, in the Rural Zone. Planning Board Case# 19-23P

Chairman Harris stated that at the October meeting, the Board found the application complete and voted that the proposal does not have regional impact.

Chairman Harris read the lot history.

LOT HISTORY:

206-013-000-000:

8-28/2023: Site Plan & Subdivision applications withdrawn

5-25-2022: Variances granted Article 6 Table 3 without the required minimum lot size, maximum lot size, and road frontage and Article 6 Section B.3 without access from interior development roads. (all three lots)

10-15-2021: Interior Renovation.

09-22-2021: Plumbing and Electrical Permits granted.

08-09-2005: Building Permit: Garage.

01-12-2005: Building Permit: second floor addition.

08-26-1993: 2 lot Subdivision approval.

03-18-1986: Building Permit granted: Roof replacement, interior wall paneling.

09-18-1985: Building Permit granted: Steel equipment building: storage.

201-066-000-000:

8-28/2023: Site Plan & Subdivision applications withdrawn

5-25-2022: Variances granted Article 6 Table 3 without the required minimum lot size, maximum lot size, and road frontage and Article 6 Section B.3 without access from interior development roads. (all three lots)

201-067-000-000:

8-28/2023: Site Plan & Subdivision applications withdrawn

5-25-2022: Variances granted Article 6 Table 3 without the required minimum lot size, maximum lot size, and road frontage and Article 6 Section B.3 without access from interior development roads. (all three lots)

Staff Comments: Applicant is proposing a three single family residential lot subdivision. The applicant has submitted parking calculations that have been reviewed by staff and a new plan indicating the location of the parking. A copy of the lease agreement for the parking across the street has been supplied to the Land Use Office and is included in the record.

Parking Calculations by Staff:

Apartments – 2spaces each x 2 units = 4 spaces

Clubhouse (lounge/bar) – 30 seats @ 1sp/2seats + 1 space/2employees = 16 spaces

Golf Course – 3 spaces/hole = 27 spaces

Pro Shop (retail)- 1050 sq. ft./200 (6 spaces) + 1 employee = 7 spaces

Total spaces required: 54**Total Spaces Provided: 63 On-site; 20 leased spaces off site**

There are no ADA spaces shown on the parking plan. For the number of parking spaces; three ADA spaces would be required, one of which is van accessible.

William Ferren, property owner, Attorney Sullivan and Craig Francisco from Bedford Design Consultants were present to discuss this application. C. Francisco stated that at the last meeting, the Board asked that he show a contingency parking plan for when the lease expires on the lot

that they are currently using. They have reworked the parking to show two lots that would give them 83 spaces. The leased lot has 20 spaces. They are proposing to continue the lease until it expires in 2027. He stated that the planner suggested signs rather than a painted crosswalk so when the lease expires, they won't have a painted crosswalk that isn't in use.

J. Pike stated that he has concerns about golf carts going back and forth across the road. W. Ferren stated that they have ways to block the carts from going across the street. Attorney Sullivan stated that there are physical barriers and strict rules about taking the carts across the street.

Chairman Harris opened the public hearing portion of the meeting.

K. Santoro stated that one of the conditions of approval could be that a physical barrier must be in place. She noted that this was an application is for a subdivision, parking is typically part of a site plan. The proposed parking has been shown, they have enough parking proposed that if the lease was to expire, they would still have enough.

Craig Clairmont, Public Works Director, was present. He asked how the applicant came up with the parking calculations? K. Santoro stated that Belmont does not have calculations specifically for a golf course, but she was able to calculate the residential; retail and clubhouse with the parking calculation table and the golf course based on average use on this and other courses.

MOTION: R. Pickwick 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 9/28/2023; updated 11/6/2023
2. One copy of the proposed plan should be submitted to Eversource for information purposes.
3. Applicant must file for a voluntary lot merger for lots 201-066-000-000 & 201-067-000-000.
4. 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.
5. 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:
 - Page ESMT1 – Legend conflicts with map; existing PSNH easement/proposed easement area

- Update parking calculations to include retail portion of pro shop
 - Update parking to include 3 ADA spaces (1 of which is van accessible)
6. Payment of decision recording fee. Check made payable to BCRD in the amount to be determined (mylar and notice of decision).
 7. Conditions precedent will be met no later than 11/27/2024.
 8. Applicant shall sign and return copy of Town's Inspection Schedule, if applicable. Schedule will be available once final plans are submitted.
 9. 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):

10. Provide to new property owners for proposed lot 201-067-002-000 to make them aware of USGS GIS disc located in boulder; not to be disturbed.
11. Any monumentation disturbed or destroyed during construction shall be replaced.
12. 5' paved driveway aprons and culverts (as necessary) shall be installed prior to development on the residential lots.
13. All utilities must be underground.
14. Paved parking area must be installed prior to the expiration of the off-site parking lease.
15. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
16. No changes shall be made to the approved plans unless application is made in writing to the Town.
17. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
18. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 11/27/24 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 11/27/2025. 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.
19. 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 (6-0)

Plan Submission and Public Hearing: Mountain Lake Village, LLC: Request for an amendment to an 18-lot open space single-family subdivision approval to provide on-site septic (on the proposed lots located in the Town of Belmont only) Property is located on Mile Hill Road, Tax Lots 202-012-000-000 & 202-015-000-000 in the “R” & “RS” Zones. PB # 21-23P.

COMPLETENESS OF APPLICATION

WAIVER REQUESTS:

Section 5.D.2 – Topo Plan

No changes to prior approved Topo plan; only change is on-site septic on each lot rather than municipal sewer. – *Staff supports this waiver request.*

Section 5.D.5 – Utilities/Fire Protection Plan

No change to prior approved Utilities/Fire Protection Plan. Municipal water and hydrants available. Only change is on-site septic for each lot. – *Staff supports this waiver request.*

Section 5.D.6 – Stormwater Management Plan

No change to prior approved Stormwater Management Plan. Only change is on-site septic system for each lot. – *Staff supports this waiver request.*

Section 5.D.7 – Road/Sidewalk Plan

No change to prior approved Road/Sidewalk Plan. Only change is on-site septic system for each lot. – *Staff supports this waiver request.*

Section 5.D.8 – Special Features Plan and Report

No change to prior approved Special Features Plan & Report. Only change is on-site septic for each lot. – *Staff supports this waiver request.*

MOTION:

W. Peterson moved to waive Section 5.D.2 – Topo Plan, Section 5.D.5 Utilities & Fire Protection Plan, Section 5.D.6 – Stormwater Management Plan, Section 5.D.7 – Road/Sidewalk Plan, and Section 5.D.8 – Special Features Plan and Report.

K. Sturgeon seconded the motion.

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 1/31/2024 subject to extension or waiver.

G. Grant seconded the motion.

Vote: All in favor, motion carried (5-0-1 JP abstained)

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

Department Response

Code Enforcement Officer/Building Official: I am not a septic designer, but the lots seem small for individual systems.

Staff Comments: 4K area for lot 15 overlaps proposed house location and is under the swale. Notes on Lots 3 and lot 8 should be relocated for legibility. The only change to the subdivision proposal is the addition of septic to the 18 lots in Belmont due to cost disparity; waivers have been requested for other elements of the subdivision application as all other prior approval conditions would remain in place.

Chairman Harris opened the public comment.

MERITS OF APPLICATION:

Extension was granted in August; all previous conditions of approval remained in place. Applicant is seeking an amendment of the approval to change the sewage disposal systems for the lots in the Town of Belmont to private septic. Originally the approval was, as part of an intermunicipal agreement with the City of Laconia, to provide public sewer, however, after multiple meetings and efforts to come to an agreement this was unable to come to fruition for the provision of sewer. The disparity of the fees that would have to be charged to the owners of the lots in Belmont in comparison to other users in Belmont is too extreme due to the difference in percentage of ownership in the Winnepesaukee River Basin Sewer Plant.

Phil Brouillard, applicant was present, along with Jon Rokeh from Rokeh Consulting. P. Brouillard stated that the original approval was to allow for an intermunicipal agreement between Belmont and Laconia for sewer, but ultimately that did not work out, as was explained by K. Santoro. This amendment request will allow for onsite septic on the Belmont lots.

Chairman Harris opened the public comment.

Sarah Mirski- 60 Mile Hill Road. Ms. Mirski stated that she had several concerns about this subdivision. she stated that she and her husband own three lots, one that abuts the conservation lot. Her family has owned the properties for about 105 years, but she and her husband have only been stewards of the property for the last three years. She stated that it's been a challenge dealing with the traffic between Mile Hill Road and the conservation easement. There has been a tremendous amount of trespassing, vandalism, garbage, and even a homeless camp, much of which is still there. There are mattresses, furniture, human waste and garbage. They have had their stone walls taken down, trees cut, and fires have been started in the woods. They have been dealing with that for the last several years. The Belmont Police Department has been fantastic, they have apprehended 50% of the people who have trespassed, and they are always very responsive to their complaints. The opportunity that this amendment has given her is to allow her to ask a few questions about the supporting documents that would have been presented to the Board back in 2006, like traffic studies, environmental reports, market reports, archeological and historic resource reports. These reports have not been updated since 2006, and that is concerning because for 17 years the Board has allowed them to extend this approval of a subdivision but the data is not current. Typically, these reports are updated every few years, at the very least every 5 years. Now that the applicant is proposing in ground septic, has an environmental impact statement been received? Or a wetland permit? She stated that before any septic is approved, she would like to know that the wetlands permits have been in place. The concern is that if they fail or leak, it will affect her water. She stated that she would also like to discuss traffic. The traffic on Mile Hill Road in the last 17 years has increased and people are driving a lot faster. She feels that the access points to the subdivision should be reexamined.

J. Rokeh stated that the wetland permits were updated in 2019 and they are good for 6 years, so that is current. The permit was submitted a month and a half ago. As part of the application, they had to do a national heritage review, which automatically determines what natural resources are in the area. These permits have all been updated.

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

1. Comply with all conditions of the original approval, subsequent amendments, and extensions and those as represented by the applicant during the public hearings on the proposal and within submitted printed documents including the approved plan. This approval requires that the project comply with the current Subdivision Regulations.
2. Eighteen lots located in the Town of Belmont will have private septic systems.

All other areas (water, road maintenance, etc.) of the intermunicipal agreement that is to be finalized are as originally approved.

3. Submit revised plans and final stormwater report electronically to the Land Use Office. The Land Use Office will obtain an estimate for the stormwater analysis review (and for construction inspections). Additional funds may be required and should be submitted to the Land Use Office before review begins.
4. Compliance Hearing may be required.
5. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 11/27/2024 unless all conditions precedent have been met and the approval has been signed, the approval has been recorded or required security has been posted to begin the improvements, or an approval extension application is submitted and is granted. The Board is not required to grant additional extensions. Notice to the applicant and/or a public hearing are not required for the Board to determine that a conditional approval has expired. Reapplication in the case of an expired conditional approval requires a new application meeting all applicable Regulations.
6. Laconia utilities and roads required to support this project are to be approved and in place.
7. In accordance with the approved buildout schedule all documents sufficient for plan recording no later than 11/27/2024; Active and Substantial development of the approved improvements no later than 11/27/2025 and improvements shall be substantially completed by 11/27/2027.
8. No changes shall be made to the approved plans unless application is made in writing to the Town.

J. Pike seconded the motion.

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

Capital Improvement Plan: Public Hearing

Chairman Harris opened the public hearing for the Capital Improvement Plan. There was no public present.

MOTION: W. Peterson moved to approve the CIP as submitted.
J. Pike seconded the motion.
Vote: All in favor, motion carried. (6-0)

Zoning Amendments: First Public Hearing

Chairman Harris opened the first public hearing for the 2024 proposed Zoning Amendments.

Chairman Harris stated that this was the first public hearing required by statute to present the 2024 proposed Zoning changes. The proposed amendments are as follows:

Belmont Zoning Ordinance:

1. Add RSA (Revised Statutes Annotated) clause to Article 1.

2. Add a definition of Alternative Treatment Centers and make it a use permitted by special exception in the Commercial District and permitted by conditional use permit in the Industrial District.
3. Add a definition of Cultivation Location and make it a use permitted by conditional use permit in the Commercial District and Industrial District.
4. Update definition of storage facilities and make a permitted use in the Residential Multifamily; Residential Single and Rural Districts and add footnote with restrictions.
5. Add a definition of Agritourism and make it a permitted use in all districts
6. Replace the term “retail stores” with “retail sales,” and add a definition of retail sales.
7. Allow contractor’s yard in the Commercial District as a permitted use rather than a use permitted by special exception.

There was a brief discussion about the proposed amendments. There were no public comments. Chairman Harris closed the public hearing.

Minutes

Amend/Approve prior meeting minutes of October 23, 2023.

MOTION: K. Sturgeon moved to approve the minutes of October 23, 2023, as amended.
R. Pickwick seconded the motion.
Vote: All in favor, motion carried. (6-0)

Staff Report

K. Santoro stated that she had attended the annual NHMA conference. She noted that she attended sessions focused on Municipal Law updates and land use topics.

ADJOURNMENT

MOTION: On a motion made by K. Sturgeon, by seconded by R. Pickwick, it was voted unanimously to adjourn at 7:54 pm.
Vote: All in Favor, Motion carried (6-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant