



# PLANNING BOARD TOWN OF BELMONT, NH

Monday, February 24, 2020  
Belmont Corner Meeting House  
Belmont, New Hampshire

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

Chairman Harris opened the meeting at 6:00 p.m. and welcomed those in attendance.

**1. Public Hearing – Pike Industries:** Continuation of a request for Earth Excavation approval to increase quarry depth. Property is located at 308 Depot Street, Tax Lots 235-058-000-000, 232-031-000-000 & 236-014-000-000 in the “I” & “R” Zones. PB# 1019P.

**MOTION:** P. Harris moved to continue Pike Industries Case 10-19 to the March 23, 2020 Planning Board meeting and to accept the applicant’s waiver of the 65-day timeline set forth in RSA 676:4, consistent with the requested continuance to March 23, 2020.

The motion was seconded by M. LeClair and carried. (5-0)

D. Grimes was appointed as a voting member.

**2. Public Hearing – Mountain Made Materials:** Continuation of a request for Earth Excavation approval to expand existing excavation area including blasting. Property is located at 224 Hurricane Road, Tax Lot 231-014-000-000 in the “R” Zone. PB # 2119P.

Mr. Jon Rokeh, Mr. Howard Warren, Mr. James Lynch, Mr. Jake Anderson, and Attorney Philpot were present for this application.

Mr. Rokeh reported that Mr. Warren has been working hard with D. Sassan and R. Ball in the Land Use Office. The blasting plan and bond issues have been worked out. The entrance is being worked on. They are cutting the embankment to get the “swing” fixed. Truck hauling signs have been posted. They are working on the Alteration of Terrain (AoT) application but have not submitted it yet due to the increased application fee of \$15,000. They want to be sure things are worked out with the Planning Board before they move forward with the AoT. Due to discussion at the last meeting the applicant does not have their experts here this evening, but if there are any other issues or questions, they will answer them as best they can. D. Sassan has all of the reports.

P. Harris said he has been reviewing all of the application information again. He asked if there is a well on the property. Mr. Warren said yes, although Mr. Bickford made no mention of it in his report

to the Board. There is water there for the bathroom at the scale house and a kitchen sink, along with the septic. Mr. Warren said that if this plan moves forward, there is a pond that was part of a prior approval that they could draw water from.

D. Grimes thanked Mr. Warren for the signs. They are noticeable which is good.

M. LeClair asked Mr. Craig Clairmont, Director of Public Works (DPW), about his concerns regarding the entrance. Mr. Clairmont explained the applicant had completed substantial work on the entrance. Mr. Clairmont spoke with Mr. Warren, who is working diligently on it. Mr. Warren and Mr. Clairmont are concerned if there is still enough room for trucks to make the transition with the pole there, but they won't know until they try it. M. LeClair stated the weather is a factor right now. Is Mr. Clairmont pleased with progress? Mr. Clairmont said he is hopeful it is going to work, but you have to physically try it before you know if it is going to work. Mr. Warren explained if this doesn't work, they can shorten the guardrail and fill it. Mr. Clairmont and Mr. Warren confirmed they will have to start using the modified entrance and see what Police Chief Lewandoski thinks. Mr. Warren is confident the entrance issues can get straightened out. Mr. Clairmont indicated this is an enforcement issue and it is going to be Chief Lewandoski's call if it works. D. Grimes asked if changes are made to the guardrail will they need a culvert extension. Mr. Warren said no, they have a detention pond.

D. Sassan explained he and R. Ball visited the site and met with Mr. Warren. He said R. Ball did not think there were any wetlands permitting issues associated with potentially moving the guardrail and a nearby detention area because it is a manmade stormwater structure. There was discussion about conditions of approval relative to ingress, egress and signage required by the Police Department and DPW. M. LeClair asked about a timeline before the project is started. Mr. Warren emphasized that the roads will be posted March 6<sup>th</sup> and with nothing to do they will be working on the entrance project. They will need to pave the transition once the paving plants open. They will solve this problem, one way or the other.

P. Harris asked if there will be any increase to traffic at the site. Mr. Warren said no. Mr. Clairmont assured Mr. Warren that the road posting is not to single out this pit. There is a tremendous amount of truck traffic on Hurricane Road and Durrell Mountain Road. Care and consideration need to be taken even when the roads are not posted, but the weather has changed. Everyone needs to think of what is being done to the roads and use common sense. There was a lot of money put into the road and there was a lot of flak for fixing it while this was going on. Let's communicate and work together. Someone should be looking at the conditions of the pit and making the decision.

R. Segalini reported that after the last meeting, he visited the site and the pavement was not nearly as far back as he thought. There may need to be some extensive stone work done before getting onto the pavement. Mr. Clairmont commented that it is better now. There was discussion about installing a stone wiper pad before the paved apron. Mr. Warren asserted that he is aware of the concerns about the entrance.

D. Grimes asked if the signs are permanent. Mr. Warren explained that they are on temporary posts until the weather changes. He is working with Mr. Clairmont on the most effective permanent placement of the signs. D. Grime was curious if anyone else has commented on the signs. Mr. Warren stated they only went up this morning.

The chairman asked if anyone in the audience had additional questions or comments. There being none, he closed the public hearing.

P. Harris brought discussion back to the Board.

M. LeClair inquired about the Staff Report discussion items. P. Harris asked if there is an agreement for the road bond. D. Sassan stated the existing bond is \$10,000, the new bond more than doubles that to \$25,000, and it is sufficient for Staff. D. Sassan explained there is also security for the reclamation that is set as condition #7. There is an existing letter of credit for \$10,000, but it is anticipated that the new amount will increase to about \$15,000. It will be based on the engineer's verified estimates. R. Segalini asked if this falls under the size allowance for the SWPPP report. D. Sassan verified that it will be required.

M. LeClair asked about fueling. D. Sassan answered it was part of condition #33.

**Board's Action – Mountain Made Materials:**

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 March 15, 2019.
2. Submit final plans (7 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. Wetlands Scientist stamp and signature
  - b. Add AoT approval conditions as plan notes
  - c. Sheet 1 – Change “Stone Road” to “Hurricane Road”
  - d. Sheet 2 – Make legible and affix stamps and certifications
  - e. Sheet 3
    - i. Label finish grade contours
    - ii. Relocated entrance/exit such that truck exiting the site approach Hurricane Road at a 90-degree angle
    - iii. Note that entrance road through abutting parcel is no longer in service
  - f. Sheet 4
    - i. Indicate design elevation and elevation at which sediment will be removed for each pond
    - ii. Add stabilized construction entrance prior to pavement to prevent tracking of material onto Hurricane Road.
    - iii. Note elevation of riprap at the inlet to sediment forebays and overflow spillways.
  - g. Sheet 5 - Remove Pipe Outlet Protection detail if no pipes are to be present on site.
  - h. Sheet 6 – Construction Sequence #2 – Place stabilized construction entrance before existing paved apron
  - i. Sheet 7 –
    - i. Add note that mitigation shall be applied for fugitive dust and public highway debris
    - ii. QAP shall include note of the following BMPs:

1. *Aquifer Protection Best Management Practices Tri-Town Aquifer Project April, 2007*
  2. *NHDOT Best Management Practices for Roadside Invasive Plants*
  3. *Fugitive Dust, NH DES Fact Sheet ARD-42*
  4. *WQE-1 AoT Permit Requirements for Sand & Gravel Pits;*
  5. *WQE-3 AoT Permits- When are they Required;*
  6. *Env-Sw302.03 Solid Waste Permit Exemptions (waste cement, brick, bituminous concrete);*
  7. *WMD-SW-7 Stump & Brush Management*
  8. *WD-DWGB-26-8 Water Efficiency Practices for Quarries and Sand & Gravel Operations*
  9. *WD-DWGB 22-4 Best Management Practices (BMPs) for Groundwater Protection*
3. Security – Prior to plan signing/recording – Road bond in the amount of \$25,000 shall be provided in a form approved by the Town.
  4. Permits:
    - a. Town Permit is to 2/24/2035. Permit is non-transferrable. Requires submission of annual report to the Planning Board and Compliance Hearing same year as DES Progress Plan.
    - b. NH Alteration of Terrain Permit shall be obtained as required.
    - c. Air Quality and other required environmental permits shall be obtained.
  5. Applicant shall sign and follow Town’s Inspection Schedule.
  6. Conditions precedent shall be completed no later than 2/24/2021.

**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. Security – Reclamation – Prior to any site work security shall be provided for closure in case of abandonment. Applicant shall submit engineer’s cost estimate of closure costs to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an amount to be set by Town based upon engineer’s estimate.
8. A stabilized construction entrance shall be placed before the paved apron that intersects Hurricane Road as specified by the Public Works Director. Construction entrance shall be maintained so as to effectively prevent migration of material. Any material migrating into the roadway shall be immediately removed.
9. Approach angle, grade and condition of entrance/exit accessway shall be maintained so as to provide safe, legally compliant egress from the site, subject to approval by the Police Chief and Public Works Director.
10. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
11. Dumpster sized appropriately to contain all refuse, placed on an impervious surface, screened all sides.

12. Knox box/padlock for locked entries.
13. Any traffic warning signs required by Public Works Director/ NH DOT to be compliant with NH DOT standards for materials and placement.
14. Board retains the right to require an independent review at the applicant's expense at any time a problem occurs or becomes evident in the design or implementation of the approved plan.
15. A copy of the Quality Assurance Program and the Town's Inspection Schedule shall be provided to the site contractor(s) prior to work commencing.
16. SWPPP if required.
17. 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.
18. Obtain successful milestone observations from Land Use Staff as listed on Land Use Inspection form **and** additionally and separately all required inspections by the Building Official, Fire Department, Public Works Department and NH DOT.
19. Evidence of other agency conditions achieved – AoT permit.

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

20. Approved uses include Earth Excavation Site to include blasting and crushing activities.
21. Hours of Operation:
  - a. Monday through Friday 7 am – 4 pm excluding town holidays, Saturday 7-12.
  - b. Blasting and crushing shall be conducted only between 8 am – 3 pm Monday through Friday, no weekends or town holidays unless exigent circumstances reasonably warrant a deviation for public safety purposes, subject to notification to the fire department.
22. Successful annual aquifer inspections required.
23. Crusher operation shall comply with all local, state and federal requirements and all necessary permits shall be maintained.
24. Water quality monitoring shall be conducted in accordance with the monitoring plan entitled *Groundwater Monitoring Plan, Mountain Made Materials – 224 Hurricane Road, Belmont, NH*, dated 2/11/2020.
25. Structural surveys shall be conducted in accordance with the blast plan entitled *Blast Plan for Mountain Made Materials Belmont, NH Quarry Operations*, dated 1/29/2020, and in accordance with the accompanying Blasting Best Practices document and a Pre-Blast Survey Procedures document, both submitted 1/30/2020.
26. Routine compliance hearings shall be held every 5 years, to run concurrent with NH DES Alteration of Terrain renewal schedule. Additional compliance hearings shall be scheduled by Board as necessary. Compliance hearing submissions shall comply with the compliance hearing requirements of Excavation Regulations Section 11, as amended or renumbered.
27. In addition to compliance hearings, excavation reports shall be submitted annually by completing the Earth Excavation – Annual Report to Planning Board form available from the Town.
28. Obtain Fire Department permit prior to blasting; requires compliance with blasting conditions approved herein.
29. Prior to each blast event, property owners within a 2000-foot blast radius shall be notified. in accordance with the blast plan entitled *Blast Plan for Mountain Made Materials Belmont, NH Quarry Operations*, dated 1/29/2020.
30. No excavation within 10' of an approving abutter or 50' of a disapproving abutter.

- Excavation closer than 50' requires submission of written authorization of abutter.
31. Dumpster lids kept closed at all times except during active use to minimize loss of refuse. Gates kept closed at all times except during pickup.
  32. 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.
  33. All representations made by the applicant, through materials and correspondences submitted pursuant to this proposal and through statements and materials submitted during the public hearing, are incorporated as a condition of this approval.
  34. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
  35. No changes shall be made to the approved plans unless application is made in writing to the Town. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
  36. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 2/24/22 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.
  37. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
  38. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by K. Sturgeon and carried. (5-1) P. Harris opposed.

P. Harris commented that he has concerns about quality of life and negative impacts on neighbors.

#### **4. OTHER BUSINESS:**

##### **A. Approval of Minutes 01/27/2020:**

**MOTION:** On a motion by K. Sturgeon, seconded by P. Harris, it was voted to approve the minutes of January 27, 2020 as written. (6-0)

##### **B. Staff Report:**

1. **603 Storage** – 17 Gilmanton Road – Map/Lot 122-056-001-000: They have submitted all of their materials and satisfied all conditions precedent. The Notice of Decision will now be recorded. This is the property next to Dollar General.
2. **Phoenix Tattoo, LLC** – 171 Daniel Webster Highway Unit 8 – Map/Lot 101-022-000-008: The Board received a copy of the approval letter for this Change of Tenant as an example of the type of approvals that are sent out when the changes do not require Planning Board approval.
3. **Brookside/TAP** – 930 Laconia Road – Map/Lot 122-057-000-000: The applicant would like to add an outdoor deck, as depicted in the handout. The Board was asked if aside from the ZBA relief needed, and the life and safety inspections, does this require Site Plan Review? M. LeClair recalled that former Town Planner Candace Daigle would look at previous approvals and tell applicants before they came to the Board if there were things they needed to fix. There was discussion about problems with space for emergency vehicles and drainage issues in the parking lot. It was the consensus of the Board that this plan requires Site Plan Review.

4. **Bear Auto, LLC** - 48 Dearborn Street – Map/Lot 123-028-000-000: This property is in the process of being sold or has just been sold. There is a new gentleman who has been informed about the existing approval for the property. A Change of Use form is required. Staff brings those to the Board so that we are on the same page with what the approval is intended to allow. There is the Notice of Decision for 48 Dearborn Street, and the Change of Use requests for Bear Auto LLC in the Board's packets. Staff recommends that the application for automotive sales/storage require Site Plan Review as there is an exterior component to the use. It was the consensus of the Board that this use would require Site Plan Review.

There is also a request for a small engine and auto repair shop. The interior use seems to be in keeping with the Board's approval and should be allowed without further review by the Board. If it is approved at the Staff level, there would be conditions attached to the approval. At the end of the day, activities need to be inside only. It was the consensus of the Board that the small engine and auto repair application does not require Site Plan Review.

There is an application for a subordinate dwelling unit which will require a Conditional Use Permit. D. Sassan said that the Zoning Ordinance needs to be amended to spell out the criteria by which the Board shall determine whether to grant a Conditional Use Permit for a subordinate dwelling unit. He said he will work with Town Counsel to develop a process for addressing such requests in the interim.

5. **Smith Orchard** – 184 Leavitt Road – Map/Lot 211-077-000-000: The orchard would like to conduct events and their ARC information is included in the Board's packets. Staff is viewing this activity as agritourism. They came to us in 2017, but the State statutes have been changed since then. The applicant proposes and NHMA qualifies the activities as agritourism, which is permitted in both zones the property is located in. There is no requirement to get ZBA relief. Staff will continue to evaluate this application as more information is obtained. These activities would not be exempt from Site Plan Review. Consideration may be given to a streamlined Site Plan process for this type of application. There are a few events to be hosted throughout the year. R. Segalini would like to see the information narrowed down more. M. LeClair stated it is important to give abutters the opportunity to speak to this type of activity. There needs to be care taken when attendees consume alcohol, use fireworks and are there until midnight. The hours of operation, etc. need to be narrowed down. R. Pickwick noted the information says weddings would end at 10 pm. There was discussion that although music may end at 10 pm, it doesn't mean people wouldn't stay after that. The descriptions are too broad. The Board needs to do its due diligence. The applicant needs to come before the Board.

### **C. New Business:**

1. **Wind and Solar Energy** – There was discussion by the Board about the use of windmills for energy, and if there are exemptions and restrictions in the Zoning Ordinance. D. Sassan will review this and see if there are any recommendations. It would also be a good time to look at large scale solar projects like the one in a nearby town that is causing concern. This is a good opportunity to add language to the ordinance to ensure the Board allows wind and solar in a way that is beneficial to the Town. M. LeClair asked how a solar farm could be a nuisance. It can be considered an aesthetic problem by some and the other concern sometimes voiced is the use of what would otherwise be green space.
2. **Convenient MD** – 77 Daniel Webster Highway – Map/Lot 201-029-001-000: R. Segalini expressed concern about the condition of the back slope. It is under failure. They did not do what is on the plans. Who let them make changes? D. Sassan reported that R. Ball talked about this and something needs to be done. The Board asked Staff to please follow up on this.
3. **Meeting Attendance** – K. Sturgeon remarked that as the years go by, neighbors don't show up for

Planning Board hearings. M. LeClair said that it makes the Board's job easier when they do attend because then the Board doesn't have to speak for the public. The public tells us what they think and we play the devil's advocate. We ask questions so it is in the record that things were addressed and asked.

G. Grant asked if there is anything the Board can do to be more proactive to let people know when they will be affected by an application. Real estate brokers send postcards when there is activity in the neighborhood. D. Sassan expressed concern about the appearance of impropriety, as well as the expense and timing issues. It may be better to provide a website with access to all of the application materials for a higher level of exposure. There was discussion that neighbors know when the meetings are and still choose not to attend. Mr. Clairmont commented that when the court case happened in the Durrell Mountain area, everyone got a letter and no one commented or objected. Now DPW gets complaints after the fact.

**D. Adjournment:**

**MOTION:** On a motion by M. LeClair, seconded by R. Segalini, it was voted unanimously to adjourn at 7:20 p.m. (6-0)

Respectfully submitted:

Colleen Akerman  
Building & Land Use Clerk