



PLANNING BOARD TOWN OF BELMONT, NH

Monday, January 25, 2021
Remotely by Zoom
Belmont, New Hampshire

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

The Chairman opened the meeting at 6 pm and welcomed those in attendance.

He announced that as Chairman of the Belmont Planning Board, he finds that due to the state of emergency declared by the governor, this public body is authorized to meet using electronic means. He said that the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he announced that any party experiencing any difficulty in accessing the meeting at any point, should call 603-267-8300 x 113, and the meeting will be recessed until access can be restored for all parties.

The Chairman asked that the Board start the meeting by taking a roll call attendance, with each attendee stating their name and that they report if anyone else is attending the meeting from that same location.

Chairman Peter Harris.
Vice Chair Ward Peterson.
Richard Pickwick (with Juanita).
Gary Grant.
Mike LeClair (with Tracey).
Gary Grant.
Town Planner, Dari Sassan.
Land Use Technician, Rick Ball.
Building and Land Use Clerk, Colleen Akerman.
Howard Warren.
Brett Kay.
Deb Pilling.

D. Sassan said that, as always, Chairman Harris shall direct and control the meeting, but that as the administrator of the digital meeting platform, he himself would assist with calling on those who wish to speak. He explained that those that call in press *9 star on the phone to raise their hand. Press *6 to toggle in and out of mute.

1. Public Submission Meeting and Public Hearing – Mountain Made Materials: Request for a one-year extension (2/24/22) of 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 # 0121P.

The Chairman opened the public hearing and stated this is a new, straight forward application with no waivers.

Mr. Howard Warren presented this application.

Mr. Warren explained that last year at the February 24th Planning Board meeting they were granted approval for a blasting project at 224 Hurricane Road. A conditional approval letter was sent to them that included 38 conditions and an inspection schedule. The first 5 conditions were to be completed by 02/24/2021, with the remainder of the conditions to be completed by 02/24/2022. Once COVID hit they were moving along through the items but things slowed down or stopped. Their engineering firm disappeared and the State slowed down. Through no fault of their own, they are behind and will not get things done by the dates in the approval letter. They are requesting that the dates be adjusted to 02/24/2022 and 02/24/2023. They are making progress on the conditions and waiting for the State to grant the AoT permit. Then things should move along quickly.

MOTION: R. Pickwick 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 3/31/2021 subject to extension or waiver.

The motion was seconded by W. Peterson and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

The chairman stated the following definition will be used to determine if the applications before the Board tonight have a regional impact. He explained 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.

The motion was seconded by P. Harris and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

P. Harris read from the Staff Report that all conditions of the original approval remain outstanding and should be included as a condition of this extension. Since approval, the road bond specified in condition #3 has been provided. Conditions precedent shall be completed no later than 02/24/2022 and all other conditions shall be substantially completed by 02/24/2023. All remaining processes shall be regulated under the current version of the Belmont Earth Excavation Regulations of 06/24/2013.

P. Harris commented that this is a straightforward request. There are hardships everywhere. There was a lot of work done to get this in place and they are doing a good job moving things along.

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

Board's Action – Mountain Made Materials:

MOTION: R. Pickwick moved that the application for extension 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:

1. This action is based on a plan or plan set dated March 15, 2019.
2. The extension is to 2/24/2022 and all original conditions apply except as amended herein.
3. All remaining processes shall be regulated under the current version of the Belmont Earth Excavation Regulations– 6/24/2013.
4. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 2/24/2022 unless all conditions precedent have been met and the plans have 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.
5. All remaining conditions which are not identified as conditions precedent shall be substantially completed by 2/24/2023.
6. All conditions of the original approval remain in effect.
7. Compliance hearing shall be held by Board as necessary.
8. No changes shall be made to the approved plans unless application is made in writing to the Town.
9. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so. (site plan)
10. The Board is under no obligation to approve subsequent extension requests

The motion was seconded by G. Grant and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

P. Harris thanked Mr. Warren for the application.

2. Plan Submission Meeting and Public Hearing – 213 Daniel Webster Highway LLC: Request for site plan approval to remove and replace a storage building. Property is located at 213 Daniel Webster Highway, Tax Lot 101-027-000-000 in the “C” Zone. PB # 0221P.

Mr. Brett Kay of Nobis Group was present for this application on behalf of Mr. Marc Bourgeois of MB Tractor. He asked if everyone was familiar with the site. He said they are looking to replace the storage building. It is rundown and ready for an upgrade. Mr. Kay asked if he should address the questions from the Staff Report.

D. Sassan asked that the Board first vote on the waivers, completeness of the application and the Development of Regional Impact.

MOTION: M. LeClair moved to grant the following waivers:

- a. Soils & Map Report because the minimal footprint and minimal impact to grades and drainage associated with this project does not necessitate soils information.
- b. Quality Assurance Program because of the minimal size, scope and duration of this project.

The motion was seconded by W. Peterson and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

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 3/31/2021 subject to extension or waiver.

The motion was seconded by R. Pickwick and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

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

The motion was seconded by M. LeClair and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

The Chairman opened the public hearing and invited the public to participate.

P. Harris noted the departmental responses suggested no concerns, and a note that the property was already connected to sewer.

Mr. Kay addressed the questions from the Staff Report. With regards to drainage, there is a slight increase in the building footprint but the area to the west or front, facing the dance studio, was constructed in 2017 with 4-inch minus, which will accept additional runoff. There are no drainage issues that he is aware of. The existing dripline is currently intercepted by a natural swale eroded over time. They extended the riprap on the eastern flank and ended it at the building. The replacement building will be constructed to control runoff. Mr. Kay identified that no wetlands will be impacted due to the limited nature of the improvement. There are no wetlands in the area and the dripline/swale behind the building is not a wetland. He said that due to the time of year, construction phase erosion control will consist of a combination of straw wattles and stone check dams that could be looped in the grass line. The back of the building will be stabilized with backfill and the swale finished with stone. The front of the building will be backfilled as it is now with gravel. There is not too much disturbance to the grass but they will use hay mulch and seed it if necessary to keep it green.

P. Harris asked if there will be any hazardous materials? Mr. Kay said no, it is just equipment and parts.

M. LeClair asked about outdoor storage. Mr. Kay verified there are no changes proposed from what was approved in 2017. There is quite an extensive display area that has been used at various levels over time. Inventory is down now due to COVID but in the future inventory will be added as it comes in.

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

Board's Action – 213 Daniel Webster Highway LLC:

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 set dated December 2020.
2. Submit final plans (7 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies.
3. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of \$20.60.
4. Conditions precedent shall be completed no later than 1/25/2022. Active and Substantial development of the approved improvements shall occur no later than 1/25/2023 and improvements shall be substantially completed by 1/25/2026 or shall be in accordance with the approved buildout schedule.
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.

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):

6. Construction phase and permanent erosion control and stormwater management shall be installed and maintained in accordance with local, state and federal requirements,
7. 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 and Public Works Department.
8. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements

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

9. Approved uses include: Indoor Recreation (school of dance); sales office and display of used as well as new agricultural, construction and industrial vehicles and trailers.

10. All conditions of the 8/28/2017 site plan approval shall remain in effect.
11. Approved new building shall be used for storage only. Additional land use approval shall be obtained prior to undertaking sales, office or other uses within new approved building.
12. 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.
13. All exterior lighting shall be downcast and shielded from abutters and traffic.
14. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
15. All disturbance of the site to conform to Best Management Practices for the eradication and disposal of invasive vegetative species. See *Best Management Practices for Roadside Invasive Plants, NH DOT and New Hampshire Guide to Upland Invasive Species, NH Department of Agriculture, Markets and Food, Plant Industry Division*. Monitor disturbed areas for a minimum of 2 years after project completion for reoccurrence of growth.
16. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
17. Vegetation and landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
18. No changes shall be made to the approved plans unless application is made in writing to the Town.
19. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
20. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 1/25/2022 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.
21. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
22. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by G. Grant and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

Mr. Kay thanked the Board for their time, and P. Harris thanked Mr. Kay for the application and the upgrade for the property.

OTHER BUSINESS:

Approval of Minutes 12/28/2020:

MOTION: W. Peterson moved to approve the minutes of December 28, 2020 as written.

The motion was seconded by P. Harris and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick and G. Grant. M. LeClair abstained. (4-0-1).

STAFF REPORT:

Manufactured Home - Remove and replace in a new location:

D. Sassan asked the Board to provide consideration on a building application for the replacement

of a manufactured home. He recommended that it is an allowable alteration of an existing nonconforming use. D. Sassan shared his screen showing a lot with the original and proposed location. He explained it is not going to have a significant or changed impact on the surrounding neighborhood and easily meets the setbacks. He requested that the Board endorse approval of the building permit application.

P. Harris asked for clarification that the Board is being asked if they are comfortable with the decision. D. Sassan answered that as the Zoning Administrator he determined it is allowed as a reasonable alteration to the existing nonconforming use, but he is looking for the Board's agreement. P. Harris recommended that it be handled as a minor change.

W. Peterson said in the past the previous Town Planner dealt with this and brought forward a few applications for consideration in the beginning. An applicant takes something out and replaces it with something bigger. The size of the building increases, but the use isn't changing. It happened pretty regularly and they didn't hear about it every time, but it is fine if the Board wants to deal with it like this. It is something the Board has allowed and he thinks if the Board didn't allow it, it would be challenged. P. Harris commented that an upgrade in the name of safety is a plus. It is a small change. W. Peterson said it can be a challenge if it is a nonconforming use on a nonconforming lot. If they can meet setbacks it is not an issue.

M. LeClair asked for clarification on the location and D. Sassan zoomed in on the screen and described that it cannot be seen from the road. M. LeClair said he appreciates this being brought to the Board's attention.

R. Pickwick questioned if the old mobile home will be removed from the property. D. Sassan said yes. M. LeClair asked if the old home is going to be "left to die" on the property, or completely removed from the property. He has seen pieces of old housing relocated or repurposed and then relatives move in. It is okay if the old home will be completely removed and replaced with a new one. D. Sassan added a new specific condition on the building permit application to address that. M. LeClair said he is in agreement with W. Peterson and P. Harris on this. If the old home is left there it is not a replacement. D. Sassan emphasized that the applicant indicated their intent is to remove the existing unit. It was the consensus of the Board to endorse approval of the building permit application.

Elections: D. Sassan reminded members that signups for elections are only open through Friday. There are two seats open. G. Grant said he already signed up.

Staff Recognition:

Attendees discussed that Elaine Murphy reached her 25th anniversary with the Town over the summer. D. Sassan said that recognition was included in a recent monthly newsletter and that it would also appear in the Planning Board's contribution to this year's Annual Report, but that he wanted to make certain Board members were aware of this milestone. She is valuable to us and it is noted in the Town Report that she never seeks limelight but is involved in so much of what we do. Board members unanimously expressed appreciation of Elaine's hard work and acknowledgement of her vital role in the Belmont community.

NEW BUSINESS: None

ADJOURNMENT:

MOTION: M. LeClair moved to adjourn at 6:50 pm.

The motion was seconded by W. Peterson and carried on an affirmative roll call vote by P. Harris, W. Peterson, R. Pickwick, M. LeClair and G. Grant. (5-0).

Respectfully submitted:

Colleen Akerman
Building & Land Use Clerk