



PLANNING BOARD TOWN OF BELMONT, NH

Monday, November 22, 2021
Belmont Mill, Tioga Room
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Richard Pickwick, Kevin Sturgeon and Jon Pike, Ex-Officio; Alternate Members Rick Segalini, Jr. and Dennis Grimes.

Staff: Sarah Whearty, Candace Daigle, Rick Ball, Colleen Akerman, Fire Chief Mike Newhall and Assistant Fire Chief Deb Black.

Absent: Member Michael LeClair.

Zoom: Member Gary Grant.

The Chairman opened the meeting at 6:00 pm and welcomed those in attendance. He announced that the Belmont Selectmen have adopted a mask mandate for public buildings. He announced that as Chairman of the Belmont Planning Board, this public body is authorized to meet using electronic means. He said 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 101, and the meeting will be recessed until access can be restored for all parties.

Rick Segalini, Jr. was appointed as a voting member.

1. Plan Submission Meeting and Public Hearing – Winnisquam Yacht Club LLC: Request for site plan approval to construct two 23,980sf enclosed commercial interior boat storage buildings and one 12,240sf open-faced commercial interior boat storage building with associated site improvements. Property is located on Laconia Road, Tax Lot 224-014-000-000 in the “C” and “R” Zones. PB #1821P.

The Chairman stated there were no waiver requests.

MOTION: J. Pike 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 1/26/22 subject to extension or waiver.

The motion was seconded by R. Segalini and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

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

The motion was seconded by R. Segalini and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

The Chairman opened the public hearing.

Mr. Ed Crawford was present for this application. He explained that Winnisquam Marine was started in 1977 and is family owned and operated. He said his son Ryan Crawford is also here along with Ms. Erin Lambert and Mr. Russel Rucker from Wilcox and Barton.

Mr. Crawford reviewed the large plan with the Board. They have purchased an adjoining lot with a common access road. There was a landscape business there previously. Their plan is to combine the lots and clean things up. It is a great location. The first two buildings proposed are Phase 1, and they are the same as the other building that is already on the existing lot.

Ms. Lambert explained this is a 9-acre property adjacent to a 5-acre lot used for boat storage. There will be three new buildings. Phase 1 includes two fully enclosed buildings. Phase 2 will be for the open bay building. The property is zoned Commercial except for one small corner in the Rural zone, but the project will be developed only in the Commercial area of the lot. There are site and grading plans for both phases. There is a shared access road off of Route 106. The other lot has already been developed as boat storage. There will be a paved driveway for buildings 1 and 2 and everything will be inside. Building 3 is for open storage and boats will be stored on both sides. There are not a lot of utilities as the site is not intended for anyone to work there. There is no water or sewer but there will be electric. There is a fire monitoring system in the buildings. There is a drainage system and an NHDES Alteration of Terrain (AoT) permit is required. Town and State standards will be met. There will be drip edges on the buildings to infiltrate along with a bioretention area and infiltration ponds. They will be decreasing runoff on the whole site. There is a list of required operational maintenance for the AoT which will be provided to Winnisquam Yacht Club to maintain and report back to DES. There is a small finger of wetlands that extends into the property which will require a wetlands permit to be filled. An EPA permit is needed for construction. There is an NHDOT driveway permit in place. The open-faced building will need a special exception from the Zoning Board. The site plan approval will need to be conditioned on receipt of the special exception for building 3.

R. Segalini asked if NHDOT has signed off on the driveway entrance. Ms. Lambert said it is in process. J. Pike asked if all of the traffic will be employee traffic because it is not open to the public. Mr. Crawford confirmed the property is gated and the public cannot get onto it. J. Pike suggested DOT should put up a sign about traffic entering because of the sight distances from the north. He complimented Mr. Crawford on his employees being respectful of the town roads.

Fire Chief Mike Newhall stated that the applicant cannot keep anything on the paved areas around the building. If fire access is impeded the buildings will need to be sprinklered. The fire lanes need to stay open for parking apparatus and to fight fire. Whatever has been out there at the other building needs to be removed. The applicant agreed to remove the racks that are currently there.

P. Harris thanked the applicants for a great application and commended them on their past performances and projects. They have done great work and have a willingness to come into compliance with regulations. It eases the Board to know what the applicant has done in the past. Staff has worked hard with the applicant to bring a good application to the table.

The Chairman asked if anyone in the audience had any questions or comments. There being no one here from the public, he closed the public hearing.

Board's Action –Winnisquam Yacht Club LLC:

MOTION: J. Pike 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 11/1/21.
2. Submit final plans (5 paper, 3 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a. Check north p/l setback. Required 15' is from p/l, not edge of driveway ROW.
 - b. Notes:
 1. Any gate requires Knox lock.
 2. No boat display, sales or work (other than that related specifically to the storage activity) to occur on site.
 3. Show all proposed lighting, signage.
 4. Any change in use or operation may require the installation of appropriate trash containers.
 - c. Add "private" to access ROW notes.
 - d. Add to Notes page - 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.
 - e. Add/correct "Laconia Road" in all appropriate locations.
 - f. Location map lacks any useful detail.
 - g. Confirm building numbering format with Fire Department.
 - h. Underground utilities are required from the ROW.
 - i. ID signs(?) near entrance to building C.
 - j. Remove waiver request note from Phase 1 & 2 plans.
 - k. All boat traffic to and from this facility will be over state highways only.
 - l. No storage permitted outside of building footprints.
3. Payment of decision recording fee. Check made payable to BCRD in an amount to be

- determined.
4. Evidence of other agency permits obtained.
 - a. NH DES AoT, Wetlands
 - b. EPA NPDES notification
 - c. NH DOT (already received)
 - d. Belmont ZBA Special Exception. Zoning Board of Adjustment Special Exception required for exterior boat storage (includes open-faced storage building).
 5. Applicant shall sign and return copy of Town's Inspection Schedule. Schedule will be available once final plans are submitted.
 6. Conditions precedent shall be completed no later than 11/22/22. Active and Substantial development of the approved improvements shall occur no later than 11/22/23 and improvements shall be substantially completed by 11/22/26.
 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, 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. Submission of building plans, approved by Building Inspector & Fire Department prior to plan signing. 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. All system designs required by the Fire Department shall be submitted under stamp of the appropriate professional.
9. Underground utilities (telephone, electric, etc.) required from the ROW.
10. Shall erect orange construction fencing around entire perimeter of area to be disturbed and wetland flagging shall be maintained. No encroachments into the fenced area or beyond the fence barrier is permitted without prior approval of the Town, and NH DES as applicable, in conjunction with review by project engineer.
11. A copy of the Town's Inspection Schedule shall be provided to the site contractor(s) prior to work commencing. 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 NH DOT.
12. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
13. Evidence of other agency conditions achieved.
14. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements. Plans shall be reproducible in black/white, e.g. through the use of differentiating graphics (pre/post contours dashed/solid), identifying notes, etc.

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

15. Approved uses include: interior and exterior boat storage (open-faced storage building).

16. 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.
17. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
18. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
19. All exterior lighting shall be downcast and shielded from abutters and traffic.
20. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
21. No changes shall be made to the approved plans unless application is made in writing to the Town.
22. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
23. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 11/22/22 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.
24. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
25. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by R. Pickwick and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

The Chairman introduced Belmont's new Town Planner, Sarah Whearty. He thanked Candace Daigle for filling in the gap that we had and staying on for a few more weeks to help out during the transition. The Board is grateful. The Chairman also thanked Chief Newhall and Assistant Chief Black for coming out to the meeting.

OTHER BUSINESS:

A. Approval of Minutes 10/25/2021:

MOTION: W. Peterson moved to approve the minutes of October 25, 2021 as written.

The motion was seconded by J. Pike and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

B. Release Non-Public Minutes 09/15/2021:

C. Daigle requested that the sealed minutes of 09/15/2021, related to the candidate interview and authorization for the recent hiring of the new Town Planner, be unsealed.

MOTION: J. Pike moved that the sealed minutes of 09/15/2021 be released as the hiring of the new Planner is complete.

The motion was seconded by W. Peterson and carried on a roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye. R. Segalini abstained. (6-0-1)

C. Amendments – Discussion of possible Zoning Amendments:

International Property Maintenance Code (IPMC):

The Board discussed the benefits and concerns of supporting the IPMC on the ballot. It was confirmed by Chief Newhall that the proposal would include all 68 pages of the IPMC book.

J. Pike presented the Board with the Selectmen's concerns about junkyards, people living in chicken coops, and other hazardous conditions on properties in Town and how difficult it is to enforce things. He gave a few examples of people living in campers and chicken coops without adequate septic as well as other safety concerns. He said everyone knows what is wrong including the police and fire departments and the health officer, but there are no standards to go by for enforcement. J. Pike acknowledged that this may not be the time to adopt the code but there are a lot of problems that exist that need to be addressed. There need to be some "teeth" for enforcement to protect the people living there, or protect the neighbors next door. The IPMC code is the solution that officials presented to the Selectmen.

The Board discussed various concerns including the number and type of regulations in the proposed code, how to apply the code fairly and avoid selective enforcement, why current regulations are not effective for enforcement, questions about whether the code can be modified in the future, why there is or is not a need for additional rules and regulations, enforcement of Planning Board conditions attached to approvals, costs to cure enforcement issues, and the burden on property owners.

There was discussion about other towns that have adopted this code such as Franklin, Farmington and New Durham; and others that have not such as Gilford and Tilton. It was suggested that Gilford's zoning regulations give code enforcement more authority. Perhaps the Board should look into what other towns are doing before accepting these codes and see how Belmont could do the same thing.

Chief Newhall and Assistant Chief Black reminded the Board that the IPMC codes are a set of rules that can be followed more easily than detailed codes such as NFPA, and that judges can understand the IPMC codes.

Chief Newhall explained that they won't apply every rule in the book but there are major codes that could take care of some of the largest problem properties in town. They don't want to measure people's grass or worry about paint chips. They presented this code as a solution to help meet one of the Selectmen's goals for enforcement of health and life safety concerns. Assistant Chief Black announced she used these codes while working for the City of Franklin to make it easier to address health and life safety issues. They did not pursue issues such as grass length unless it contributed to problems with rodents and/or bugs. The code can be used for homes or apartments.

Some Board members recommended identifying specific problems, and studying the IPMC codes and regulations and what would be necessary to enforce the codes. The Board discussed a few enforcement scenarios and the possible outcomes under current regulations. J. Pike complimented Building Inspector Russ Wheeler and new Code Enforcement Officer Mark Ekberg on the progress they have made with enforcement concerns. There was conversation about looking at the codes again in a year to see what additional progress they can make in Town without adding new codes and regulations.

MOTION: R. Pickwick moved that the Planning Board support the IPMC codes on the ballot.

The motion was seconded by J. Pike and failed on a roll call vote. Roll call: P. Harris - Nay, W. Peterson - Nay, J. Pike - Aye, K. Sturgeon - Nay, R. Pickwick - Aye, G. Grant - Nay, and R. Segalini - Aye. (3-4)

C. Daigle noted the Board of Selectmen (BOS) can still petition this item to the ballot without the Planning Board's support, but J. Pike commented that they would be unlikely to do so.

Detached Accessory and Single-Family Subordinate Dwelling Units and Text Corrections:

MOTION: J. Pike moved that the Board hold a public hearing on the following proposed zoning amendments (see attached):

- 1) Detached Accessory Dwelling Units
- 2) Single-Family Subordinate Dwelling Units
- 3) Text Corrections

The motion was seconded by K. Sturgeon and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

D. Staff Report:

Minor Subdivision - Approved Private Road Standards:

R. Ball explained that the proposed alternate standards would be for single or two-lot subdivisions. He looked at towns around Belmont and determined a rational road size that would serve them.

The Board reviewed the proposed standard. Gilford has a similar standard without a frontage requirement. J. Pike asked if the road agent would be responsible for looking at the road to ensure that construction is satisfactory. It would in fact be R. Ball's responsibility. The standards have a 30-foot versus a 50-foot right-of-way (ROW) so it could never be implied that it was intended to become a public highway. D. Grimes asked what happens if someone decides to upgrade the road. R. Ball replied they will need a 50-foot ROW with required additional construction. Applicants will need to have a clear understanding that the road will never become a public road and that will also need to be in all deeds. D. Grimes said if they are made aware then we are covered. R. Ball reiterated that the road would only serve two or three residences. C. Daigle suggested this would be ideal for someone with 10-15 acres but not a lot of frontage. They can build a road that is adequate for the anticipated traffic to serve the lots. They don't care about it being a Town road. The road standard is different and would not need to be paved. Smaller amounts of select materials can be used and the drainage requirements are less. The Board discussed the number of people who may want to do this with lots that have narrow frontage. C. Daigle explained this is an amendment to Subdivision Regulations, not the Zoning Ordinance, and a public hearing can be scheduled and the amendment adopted at the same meeting.

MOTION: J. Pike moved that a Public Hearing be scheduled for the Minor Subdivision - Approved Road Standards.

The motion was seconded by R. Pickwick and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

Tioga Ridge Development – Grimstone and Wild Acres - Map/Lots 229-024-000-000:

Staff found that the uncompleted road is deteriorating and it is deficient. R. Ball has been working with Underwood Engineers to re-evaluate the security. They recommended the Town does not have enough. Staff is going to let the owner know and hopefully by December they will have a new number for the increase.

Aspen Ridge (Aiden Circle) - Annual Report Map/Lots 238-004-000-000:

Staff is following up on reports of unauthorized ATV usage.

Pike Quarry - Map/Lot 235-058-000-000:

GeoInsight submitted their annual Water Monitoring Report which was reviewed by HydroSource. GeoInsight has requested that one of three wells be removed and HydroSource and Land Use Staff are in agreement. It was the consensus of the Board to approve the request.

Belknap Mall - Map/Lots 201-009-000-000 & 201-008-000-000:

Land Use Staff met with prospective buyers of the Belknap Mall properties. They are currently doing their due diligence to understand the history and previously approved uses. They have worked on the Apple Tree Mall in Londonderry and the Raymond Shopping Center, and have been successful at turning troubled commercial buildings into successes. Staff is excited for the possibility of new owners to breathe new life into this essential commercial property.

Proposal for continued work – Candace Daigle:

C. Daigle presented the Board with a proposal outlining the remainder of the new planner's probationary period and her own assistance through that period, based on the understanding that the Board made this request. J. Pike commented it would be most helpful and they have enjoyed her workmanship for many years and they lean on her for questions. He thanked her for all that she does and said the BOS couldn't be happier.

MOTION: W. Peterson moved to approve the proposal for Candace Daigle's continued work.

The motion was seconded by J. Pike and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

Annual Pit Reports:

S. Whearty reported that processing is almost complete for all of the annual pit reports.

Johnny Carr ARC Application – 631 Laconia Road - Map/Lot 230-094-000-000:

Staff sent Board members the minutes from the recent ARC meeting. Mr. Carr has a landscaping business and will be submitting a revised site plan.

E. New Business:**Lot Mergers – Dutile Road:**

S. Whearty presented requests for two mergers for the Town of Belmont on Dutile Road. The lots are vacant, not previously developed, and they are Town owned. C. Daigle stated the Board has merged some of these other small lots previously. P. Harris explained that before zoning, someone subdivided a property into 1/4-acre lots with no way to access them.

MOTION: Based on a finding that no Ordinance or Regulation violation will result, W. Peterson moved that the Planning Board approve the mergers of:

1. 218-097-000-00 & 218-115-000-000 (218-097)
and
2. 217-038-000-000, 218-049-000-000, 218-063-000-000, 217-046-000-000, 217-045-000-000, and 217-049-000-000 (217-038).

The motion was seconded by J. Pike and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

93 Daniel Webster Highway – Map/Lot 201-093-000-000:

D. Grimes asked how this project was coming along. R. Ball said he had a meeting with NHDOT regarding the requirements and their requirements are pretty minimal. NHDOT had talked about, but are not going to require, a right turn lane off Route 3. A right-hand turn lane will be needed exiting Ladd Hill Road. R. Ball stated the final plans are not yet complete.

Route 3 – Map/Lot 201-016-000-000:

D. Grimes asked what is happening with this lot that was cleared near the Laconia line. R. Ball mentioned this lot has been discussed heavily online in the Belmont Community page on FaceBook and there are lots of rumors. C. Daigle explained they would need variances or a change of ordinance to do something residential.

ConvenientMD – 77 Daniel Webster Highway – Map/Lot 201-029-001-000:

There was discussion about the reseeding done on the hill. R. Ball will continue to monitor the situation.

Road Striping:

D. Grimes questioned whether the Town has ever thought about road striping. He said the road from the Lochmere bridge is striped, but not in Belmont. C. Daigle explained there was a striping program at one time but few were done and she does not know why it was stopped. There were comments that the striping fades fast and it is not inexpensive.

Adjournment:

MOTION: J. Pike moved to adjourn at 7:45 pm.

The motion was seconded by W. Peterson and carried on a unanimous roll call vote. Roll call: P. Harris - Aye, W. Peterson - Aye, J. Pike - Aye, K. Sturgeon - Aye, R. Pickwick - Aye, G. Grant - Aye, and R. Segalini - Aye. (7-0)

Respectfully submitted:

Colleen Akerman
Building & Land Use Clerk