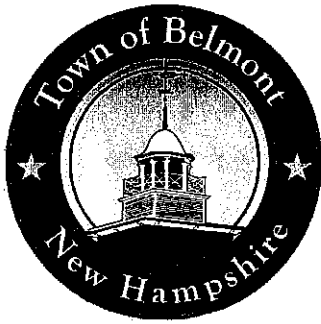


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## APPLICATION REVIEW COMMITTEE TOWN OF BELMONT, NH

Meeting Minutes  
Belmont Mill  
Thursday, May 26, 2022 – 8am

**Members Present:** Police Chief Mark Lewandoski, Town Planner Sarah Whearty, Assistant Public Works Director Brian Jackes, Land Use Technician Karen Santoro, Assistant Town Administrator/Assessing Alicia Jipson, Assessing Administrator/Administrative Assistant Colleen Akerman, and Assistant Fire Chief Deb Black.

**Members Absent:** Fire Chief Michael Newhall, Building Official Russell Wheeler, and DPW Director Craig Clairmont.

**Others Present:** Stephan Condodemetraky, George Condodemetraky; Evan Mullen; Kevin Souza

S. Whearty opened the meeting at 8:04 a.m. She thanked everyone for attending and explained that staff members comprising the Application Review Committee (ARC) are present to assist the applicant in a preliminary discussion regarding their proposal. The discussion is non-binding on the applicant and the Town. The ARC has no regulatory authority. The meeting is intended to allow staff to gain a better understanding of the proposal and to provide applicants with early input on their proposal. Staff members remain available to continue to provide assistance during the application process. The meeting is a public meeting, but not a public hearing and staff is not authorized by local or State law to accept public comments as part of this review. The following is a brief synopsis of the property discussions held.

The members of the ARC introduced themselves to the applicants.

**Tradz LLC:** Request for Site Plan Review to run a Contractor's Yard. Property is located in the Rural Zone, at 194 Gilmanton Road, Tax Lot 241-019-000-000, #12-22R

Mr. George Condodemetraky and Mr. Stephan Condodemetraky were present for this application.

Property is located in the Rural Zone, not within the Aquifer & Groundwater Protection Zone, with some (~55ac) Current Land Use.

Property is currently developed with a home with home occupation (engineering office), garage and multiple utility sheds.

The proposed use is a towing business with vehicle storage and motor vehicle sales (online). They will also have an inspection station which is allowed under the motor vehicle sales/repair use category. It is understood that they intend to register their own vehicles/equipment and will not advertise it as a service for the public.

Mr. Stephan Condodemetraky outlined the application, he stated that the property has been a construction yard since the 1980s, he noted that they did a dozen or more projects in Belmont, some in Laconia, etc. In 2017, they incorporated Tradz which is domiciled at 194 Gilmanton Road. In October 2021 they applied for a dealer's license with the state which started the current process. Stephan Condodemetraky informed the ARC that on the lot there is currently a 4000-5000sf building with equipment storage and a 3000sf building for the trucks. He stated that they have dramatically improved the lot and it is open and capable of a 40' trailer pulling in and turning around. Up until March of 2022 he stated that they had no complaints from the neighbors.

Mr. Stephan Condodemetraky informed the ARC that they currently hold a dealer's license which is domiciled in Derry, NH. They would like to move the business from Derry to the 194 Gilmanton Road property. There would be no display of vehicles and it will not be open to the public. He noted that one of the issues that came up at the ZBA meeting was the concern about the site distance, he measured the site distance and it is over 400' both left and right. He also indicated that in the future they would like to establish a new entrance for the commercial use in the location of old Route 140. It is unclear what the ownership or development rights are related to the area of the former road.

Mr. George Condodemetraky noted that there is a difference in sight line between a car and a truck. It is due to the height; the driver of the truck is up higher and can see farther than the driver of a car.

S. Whearty informed the ARC that the applicants had come to the ZBA on the previous evening for a Special Exception for the use as motor vehicle sales and repair. She noted that the main concerns were traffic and the site lines, as well as the amount of traffic on Route 140 (Gilmanton Road).

Mr. George Condodemetraky noted that when he bought the property in 1969 that there was very little traffic on the road but due to the large increase in the population it has meant an increase in traffic and Route 140 is a major East/West highway. He did note that the State takes care of it well.

S. Whearty noted that the new driveway will require a DOT permit and that DOT District 3 engineers will do an evaluation which would include site distances and stopping distance.

Mr. George Condodemetraky stated they do not have an issue with site distance, the neighbor across the street does due to the curve in road, he noted that he has a traffic mirror on their side to assist him when he pulls out of his driveway.

S. Whearty informed ARC that the early discussions included the redevelopment of the Old Route 140, she noted that she feels it is a good idea, the two separate entrances would increase safety.

Mr. Stephan Condodemetraky informed ARC that in reviewing the DOT requirements they are looking at trucks only being able to make a left-hand turn (going downhill), it would be unwise to turn right and go up the hill. He also noted that any traffic for the business can go straight in. Chief Lewandoski was in favor of left-turn only if a new driveway is established.

S. Whearty explained that they would like to establish the business at the location, the lot out back would be used for storing vehicles, the towing would be an ancillary use to the motor vehicle sales and service use. She noted that the application indicated sales would be done online or directly to a wholesaler/auction.

Mr. Stephan Condodemetraky noted that even in the fall and winter when the leaves are off the trees you cannot see anything from the road. Mr. George Condodemetraky noted he was fortunate to be able to purchase sixty acres when he did, that has allowed him to develop his property away from the road and out of view from the public.

B. Jackes noted that the issue he is mainly concerned with, the proposed second driveway, is under the purview of NH DOT as Route 140 (Gilmanton Road) is a state road.

Assistant Fire Chief Black asked if vehicles would be stored on an open lot or indoors. Mr. Stephan Condodemetraky responded that they would be stored outdoors. They brought in ledgepack to create a storage area. He noted that you can easily get a firetruck in and out. He will reach out to the fire department and the police department about options for locking the farmers gate they are proposing to place across the driveway.

Chief Lewandoski noted that if the need arises, they can access the property. A locked gate would not be an issue. He also noted that he would suggest only a left hand turn out of the lower (second) driveway going downhill. Having trucks coming up the hill from the traffic light trying to get up to speed and then having a truck pull out in front of them trying to get up to speed while coming up the hill could cause problems.

Mr. Stephan Condodemetraky stated that he and his father do not want to disturb the rural character of the area. His father (George Condodemetraky) lives there and they do not want to disturb the character for the neighbors. He noted that the new drive would only be 18-20' wide, not wide enough for two way traffic and that a gate would be installed far enough in to allow a truck to get completely off the road before having to stop and open a gate.

S. Whearty asked about the storage area for the vehicles that would be brought to the property, would it be fenced and gated? Mr. Stephan Condodemetraky said that there will not be a fence around the area, it is not necessary, it is far enough away and they have cameras for security. S. Whearty asked about hours of operation. Mr. Stephan Condodemetraky stated that regular business hours are 10am-6pm Monday through Friday, they typically do not work on Saturdays and they don't operate on Sunday.

Mr. Stephan Condodemetraky outlined the requirements for the dealers' license, they need 750sf of space, hours of operation need to be posted with the State, and the Town approvals must be secured. He noted the only way to move the license from the Derry location to Belmont is to have approval(s) from the Town.

S. Whearty asked about a bathroom in the facility. Mr. Stephan Condodemetraky noted the license will hang in the office and that there are bathrooms in the office. The outbuildings do not have bathroom facilities. He asked about the Site Plan approval, since the buildings already exist, why does it have to go through the process. S. Whearty explained that it is due to the proposed new use, the change dictates the requirement for a Site Plan application. She noted that they can request waivers for checklist items such as soils, runoff, etc. as the buildings already exist.

S. Whearty asked about repairs on site, would any be done? Mr. Stephan Condodemetraky responded that there won't typically be repairs done on site. They may occasionally pick up an abandoned vehicle but vehicles do not remain on the lot for any significant amount of time. He stated that since they deal in a small number of vehicles, they move them in and out quickly. He did note that they cannot guarantee there would never be a spill but they have aggressive remediation procedures.

S. Whearty noted that it may be a condition of approval that any vehicle that is leaking fluid be stored on an impermeable surface or indoors. She informed the applicants and ARC that there are differences in the regulations between motor vehicle sales/service and a junkyard. The vehicles must remain roadworthy and registered.

A. Jipson had no comments for the applicants.

C. Akerman noted that when they redevelop the driveway, the area that is being developed would have to be removed from its Current Use status. Mr. George Condodemetraky commented that they do not own that land, it was not part of his deed. He said that when the State redesigned the road it was not deeded over. S. Whearty said that she can reach out to DOT and that the office will further research the issue.

K. Santoro reiterated the concern about leaking vehicles, they should be stored on impermeable surface or indoors (as indicated by the applicant). Mr. Stephan Condodemetraky indicated they would store damaged, leaking vehicles inside one of the buildings on an impermeable surface. She also informed the applicants that a sign permit will be required and to keep in mind that it is limited to 49sf.

Mr. Stephan Condodemetraky spoke to the issue of the construction use being "grandfathered". He said that they have boxes of records going back to the 1980s of projects that have been staged from the 194 Gilman Rd address. He also noted that there may be future projects staged from that location. Mr. George Condodemetraky noted that he has a six-acre commercial property that he wants to develop and would be staged from that location.

There being no further questions or comments, S. Whearty thanked the applicant for attending and encouraged continued contact with staff to the benefit of the proposal. S. Whearty noted that the next application closing date is 4pm, Tuesday, June 7th for the Monday, June 27th meeting.

At 8:50 am the discussion concluded, . Jipson and C. Akerman left the meeting.

**Sevita Health:** Request for Site Plan Review to convert an existing unit in the Belknap Mall to a private adult daycare business. Property is located in the Commercial Zone, at 96 Daniel Webster Highway, Tax Lot 201-009-000-000, #13-22R

Mr. Evan Mullen of Port One Architects; Mr. Kevin Souza of Sevita Health and Mr. Tony Bettencourt of Vernet Properties (representing the property owner) were present for this application.

The property is located in the Commercial Zone and not within the Aquifer & Groundwater Protection Zone.

The property is currently developed with the Belknap Mall.

The proposed use is an adult daycare. Licensed Day Care Facilities (Institutional Use) are permitted in the Commercial Zone, but it is not a previously-approved use, therefore Site Plan is required. No external modifications are proposed therefore S. Whearty will be recommending this is a minor Site Plan application.

Additionally, a Variance is required for the Use as the definition of Day Care Facilities is: "Nursery Schools public or private. Licensed establishments offering care for young children for payment." Because the definition specifically calls out young children, adult daycare is technically not an approved use according to the Zoning Ordinance. It is a change S. Whearty will be proposing this fall when Zoning Amendments are discussed.

Mr. Mullen outlined the application. He noted that there are no external changes proposed with the exception of an ADA ramp that the property owner is adding. It is an internal fit out of an existing space for the adult day care.

Mr. Souza informed ARC that they provide care for seniors, handicapped individuals, and persons who may have a brain injury. He outlined a typical day. He informed ARC that clients are bused in, assemble for a snack/coffee and then have entertainment/activities, they have quiet rooms for relaxing or watching television. Mr. Souza stated that they have a RN on site for basic health monitoring, to perform wellness checks, and to watch for neglect. He stated that the rest of the day includes lunch, additional afternoon activities or an occasional field trip, then the clients are bused home.

Mr. Souza stated that typical hours of operations are Monday – Friday 7am to 5pm. He noted that they are generally closed on holidays.

S. Whearty informed ARC that they are going to ZBA for a Variance for the use as an Adult Day Care. The current Ordinance specifically states "young children" in its Daycare definition, that is why they need to go to the ZBA. She noted that she feels for the Planning Board it would qualify as a Minor Site Plan as the building exists and all work is internal. There is no history on the property as a daycare which dictates the requirement for a Site Plan Review.

Mr. Souza noted that they currently operate centers in Hooksett, Hampstead, and Nashua. Chief Lewandoski commented that he was going to ask about other locations. Mr. Mullen noted that in addition to local codes and requirements they must meet the DHHS requirements. He commented that they are proposing a second means of egress to a rated corridor for safety. Mr. Mullen also noted that the calculated occupant load would be approximately 130. Mr. Souza noted that they do not anticipate having that many occupants at first. They will start small and build their number of clients.

Assistant Fire Chief Black asked if there is a fire alarm. Mr. Bettencourt stated there is no fire alarm, the tenants will install the system. Assistant Fire Chief Black commented that the application for a new fire alarm system is available online. She questioned if it will be radio box or copper line, Mr. Bettencourt stated the other tenants utilize radio boxes. Assistant Fire Chief Black asked about a knox box. Mr. Bettencourt responded that they will utilize a master key as they do for all the tenants so they do not need individual knox box for the unit. Assistant Fire Chief Black noted that security lighting and sprinkler systems will be reviewed by her.

Chief Lewandoski noted that the mall having a traffic light entrance/exit makes this a great place for the proposed use and future development. He asked about storage of equipment during the fit out noting that the police department has been working to move the homeless who try to live behind the mall along. He noted that when they are doing the work and will be storing items, even inside the unit, they can give the police a heads up and they can do extra patrols as the unit is on the back side of the mall and out of the line of sight by traffic on Route 3. Chief Lewandoski asked if the mall is locked at night. Mr. Bettencourt stated they have a security person who locks the mall at night and opens it in the morning, she also informs the police of people she needs to move along.

Mr. Mullen asked about the abutters list for the Site Plan and Variance applications. S. Whearty responded that staff can assist them in pulling the list from the public access computer.

Assistant Fire Chief Black asked if there will be medication stored on site. Mr. Souza noted that they may have some over the counter medications and medications brought for a particular client but they do not store narcotics on site.

K. Santoro noted that her concerns were already addressed. She noted that a sign permit will be required when the time comes.

Mr. Mullen asked about a storage container/conex box on site during construction. S. Whearty told him to indicate on the site plan where they propose to locate it and include a note that it is during construction only to be removed prior to CO. The storage container/conex box should also included on the building permit with a proposed removal date. She also told them to include the dumpster location on the plan. It was recommended by S. Whearty and Chief Lewandoski that it be locked for both people dumping household trash and individuals climbing to the dumpster for shelter.

There being no further questions or comments, S. Whearty thanked the applicant for attending and encouraged continued contact with staff to the benefit of the proposal. S. Whearty noted that the next application closing date is 4pm, Tuesday, June 7th for the Monday, June 27th meeting. The application deadline for the ZBA meeting is 4pm, Wednesday, June 1<sup>st</sup> for the Wednesday, June 22<sup>nd</sup> meeting. **Other Business:**

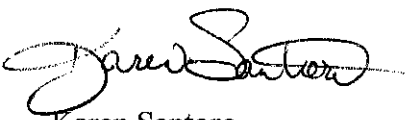
No other business was discussed.

**Minutes:**

The February 24, 2022 minutes will be reviewed at the next meeting of ARC.

**Adjournment:** The meeting adjourned at 9:22am.

Prepared by,



Karen Santoro  
Land Use Technician