



# PLANNING BOARD TOWN OF BELMONT, NH

Monday, April 25, 2022  
Belmont Mill, Tioga Room and Zoom  
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Michael LeClair, Kevin Sturgeon, Gary Grant, Richard Pickwick, and Jon Pike, Ex-Officio; Alternate Members Dennis Grimes and Rick Segalini, Jr.  
Staff: Sarah Whearty, Colleen Akerman, DPW Director Craig Clairmont, Fire Chief Newhall and Assistant Deputy Fire Chief Black.  
Zoom: None.

The Chairman opened the meeting at 6:00 pm and welcomed those in attendance.

- 1. Public Hearing – Matthew & Heather Gault:** Continuation of a request for Site Plan approval for Contractor's Yards, storage of equipment trailers, aluminum frames, and pressure treated lumber. Property is located at 682 Laconia Road, Tax Lot 230-043-000-000 in the "C" Zone. PB #0822P.

Mr. Tom Selling, PE was present for this application.

The Chairman opened the public hearing.

Mr. Selling stated he worked on the Stormwater Management Plan with S. Whearty. Rather than rely on an infiltration pond for the primary Contractor's Yard, he has designed an underground retention system. There are two catch basins connected by 18" perforated pipe. Runoff from the yard will go to the catch basins and percolate. During a 50-year storm, not all water will be infiltrated. The excess water will overflow across riprap stone and out to the wetlands. There were no other changes made to the plan in the last two months. There is a pending driveway application for the old gravel road onto Seavey Road. At the last meeting there was some discussion about Seavey Road. NHDOT Project #16203 redesigned the Route 106/Seavey Road intersection and went up Seavey Road 200 feet. The road is more than adequate to handle occasional truck deliveries to the driveway. His client will respect the road postings in the spring and adjust deliveries or transport accordingly. There are no other changes. This company produces floating golf greens, which is low impact and does not have obnoxious business hours. It is estimated there will be three employees and not a lot of noise or light.

J. Pike asked about the number of bedrooms in the residential building. The assessment card shows 8 bedrooms but the site plan shows 6 bedrooms. Mr. Selling replied that the septic was designed with added capacity for expansion, but it is a 6 bedroom at this time.

S. Whearty stated the Staff Report was revised for a suggested motion. She has worked with Mr. Selling to fine tune the drainage. M. LeClair asked if everything she is looking for is on the plan. S. Whearty answered that there are a few more things to fine tune, but there are no substantial design

revisions. There are a few changes for the Stormwater Report and some modeling for the underground system. Generally, there are two catch basins with a pipe, but the catch basins have not been modeled. We want to see water levels in the structures during the design storm. We are looking for clarification for the water in the outlet pipe. Most of the suggested changes are minor. S. Whearty said Staff is not concerned with the site's overall ability to handle water capacity. The wetlands are more than 6 acres and there should be no significant impact from runoff. Staff is requesting additional modeling to ensure the developed portion of the site will function as designed.

J. Pike asked DPW Director Craig Clairmont if he thinks there will be problems. C. Clairmont said DPW's concern is with tractor trailers going onto the other side of the road. S. Whearty said the challenge is that plan measurements do not always equate to how drivers control their turns. M. LeClair commented that another site had problems with this on a weekly basis, but this location would be a few times a year and that is a huge difference. C. Clairmont said this is worth noting in case there is any feedback about someone else doing this. J. Pike recommends changing the radius and cutting the corner down. C. Clairmont said he told Staff the concern is the integrity of the road. Mr. Selling responded that they are concerned about it as well and have used a radius greater than the Town requires. There was enough concern expressed that they stepped up to the plate to provide better than the minimum requirements. P. Harris had concerns about school bus traffic. Mr. Selling stated they will adjust their hours when school is in session. S. Whearty noted it is a suggested condition of their approval.

The Chairman stated there is one waiver request with regards to the merits of the application.

**MOTION:** J. Pike moved to waive the Parking and Loading Requirements (Site Plan Section 9.E.4.d) because gravel is a preferred surface given the proximity to adjacent wetlands.

The motion was seconded by M. LeClair and carried. (7-0)

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

M. LeClair asked for confirmation that the condition referencing offsite business traffic is condition #24. S. Whearty confirmed that is correct in the revised Staff Report.

**Board's Action – Matthew & Heather Gault:**

**MOTION:** M. LeClair moved that the application for Site Plan Approval 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 4/5/22.
2. Submit final plans (5 paper, 1 reduced, 1 pdf). Submit one copy (preferably electronic) for approval prior to submitting all required copies. Add/identify/include/correct on plan:
  - i. Sheet 5:
    1. Remove the cut off leader with no text. (bottom of sheet)

- ii. Provide construction details for the underground detention system, including information about each CB (depth, diameter, etc.). Will the trench be filled with stone and fabric around the pipe?
3. Make corrections to the stormwater report:
  - i. Model CB1 and CB2.
4. Make corrections to the Quality Assurance Plan.
  - i. It includes dates that have already passed.
  - ii. Under f.) Spill Control & Response Plan, change “within the commercial building” to “on the site”.
5. Payment of decision recording fee. Check made payable to BCRD in the amount of \$20.60.
6. Conditions precedent will be met no later than 4/25/23. Active and substantial development of the improvements to be completed no later than 4/25/24. Construction to be substantially complete no later than 4/25/26. (674:39)
7. Applicant shall sign and return copy of Town’s Inspection Schedule. Schedule will be available once final plans are submitted.
8. 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):

9. Submission of building plans, approved by Building Inspector & Fire Department. 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.
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. Follow Town’s Inspection Schedule. 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 the Town or Town’s representative at the applicant's expense if any. If required, an estimate will be provided to the applicant and the funds will be due before construction begins.
13. Existing floor drain(s) to be decommissioned in accordance with DES guidelines.
14. Special attention should be given to the steep slopes adjacent to the proposed parking area. Any slope instability resulting from erosion should be addressed by the owner immediately.
15. Temporary erosion control measures shall remain in place until construction is complete and the site is stabilized. If CO is requested prior to stabilization, the cost to remove the

- temporary erosion control measures shall be secured in escrow with the Town until the site is stabilized and the temporary erosion control measures have been removed.
16. 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:

17. Approved uses include: Contractor's Yards, storage of equipment trailers, aluminum frames & pressure treated lumber.
18. 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.
19. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
20. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
21. All exterior lighting shall be downcast and shielded from abutters and traffic.
22. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
23. Compliant aquifer inspections required. All performance standards of the Ordinance shall be met.
24. No off-site business traffic will occur before 7:30am during the school year.
25. No on-site fuel storage.
26. All parking, storage, activity to remain within buildings and delineated Contractor's Yards. No storage or parking elsewhere on the property. All vehicles and equipment shall be work/road worthy. No junk or salvage vehicles or vehicle parts. Parking restricted to on site permitted uses.
27. The Contractor's Yards (2) and commercial building are to be used by one business.
28. No residential use of building.
29. All improvements to be completed or secured (as allowed by the Town) prior to any occupancy of the site.
30. No changes shall be made to the approved plans unless application is made in writing to the Town.
31. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
32. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 4/25/23 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 4/25/24. Construction to be substantially complete no later than 4/25/26. 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.
33. Where there is a conflict within the information submitted by the applicant, the Town shall determine the correct information to be applied.

34. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by J. Pike and carried. (7-0)

**2. Public Hearing – Route 106 Realty Trust:** Continuation of a request for:

- a. Site Plan approval for Contractor’s Yard, commercial building (motor vehicle & trailer service, professional offices, light manufacturing, retail stores and service business). PB #0622P.
- b. Conditional Use Permit for a subordinate dwelling unit. PB #1522P.

Property is located on Laconia Road & 28 Corriveau Way, Tax Lot 217-114-000-000 in the “C” Zone. (No new information submitted).

Mr. Jon Rokeh was present for this application. He said they asked for the continuation because they still need to do the test pits but want to be sure things are drying out. He is trying to get it done this week before the next meeting deadline.

J. Pike asked for clarification on the Staff Report. S. Whearty explained that Staff included Mr. Rokeh’s emails to show proof that the continuation request was made in a timely manner, and that they have requested to waive the 65-day clock.

**MOTION:** W. Peterson moved to table the public hearing on the application of Route 106 Realty Trust approval for Contractor’s Yard, commercial building (motor vehicle & trailer service, professional offices, light manufacturing, retail stores and service business), and a Conditional Use Permit for a subordinate dwelling unit to the May 23, 2022 Planning Board meeting and to accept the applicant’s waiver of the 65-day timeline set forth in RSA 676:4 to May 31, 2022, consistent with the requested continuance to May 23, 2022.

The motion was seconded by J. Pike and carried. (7-0)

**3. Plan Submission Meeting and Public Hearing – Gilmanton Sand & Gravel:** Request for Earth Excavation approval for a new quarry. Property is located at 28 Stone Road, Tax Lot 245-001-000-000 in the “I” Zone. PB #1022P.

Mr. Jon Rokeh and Mr. Craig Nutter were present for this application.

The Chairman stated there is one waiver request related to the completeness of the application.

**MOTION:** W. Peterson moved to grant the waiver request for Soils Map and Report (Site Plan Section 5.D.3) because the site is almost entirely ledge.

The motion was seconded by G. Grant and carried. (7-0)

**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 in a timely manner to complete review and act on the application. The Board shall act on this proposal by 6/29/22 subject to extension or waiver.

The motion was seconded by W. Peterson and carried. (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 M. LeClair and carried. (7-0)

The Chairman opened the public hearing.

The Chairman noted the majority of the Departmental Responses had no comment or concerns. The Land Use Technician incorporated their comments into the discussion section of the Staff Report.

R. Segalini asked if there is a setback from the property line. Mr. Rokeh responded there is, and they have an agreement with the neighbors to go within 10 feet. It is pretty close. It is the same for a gravel or quarry operation. If the neighbor is disapproving, the setback is 50 feet.

Mr. Rokeh explained there were some items to work out after the last meeting. He submitted all of the details and reports to S. Whearty. This is a new quarry area in the location of the recently approved lot line adjustment. It is adjacent to the existing quarry, and further from residential abutters. There is a ridge, and then it goes down into a hole on the other side. Abutters are more protected. The infrastructure is all set up and continues to be used.

J. Pike asked about item #8 from the Staff Report regarding final plans for the 2018 approval. S. Whearty indicated the plans were submitted after the Staff Report was distributed.

J. Pike read from the Staff Report Discussion items:

1. Do all accesses still have knock locks?
2. All existing slopes in excess of 1:1 should be barricaded. Gates must be locked, top of quarry must be barricaded.
3. Add length of time to excavate and term of permit requested to narrative.
4. Add phasing plan (quantity and season) to narrative.
5. Permit term – staff suggests matching the term of the existing quarry - 7/23/2038
6. Staff has concerns about the plan to loam and seed the site when excavation is complete. The final site surface will be ledge and crushed stone which should remain stable without the need for loam and seed.
7. The Quality Assurance Plan indicates 2 million cubic yards removed; plans and discussion at the ARC indicated 3 million cubic yards. Has this changed?
8. Please be aware we are still waiting for final plans from the 2018 approval for this site.

Mr. Rokeh responded that the permit term can be matched to the existing permit and they can work out the loam and the seed. Normally if there is a slope it needs to be loamed and seeded. S. Whearty observed that it may be difficult to get vegetation to take and it would be a waste of resources. The vertical rock face is stable. Mr. Rokeh clarified that the change from 3 million cubic yards to 2 million cubic yards was based on discussions with the blasting company. They are stepping the ledge faces which will result in a difference in the ledge cut volumes. There will be a little less on the backside because it will step out a couple of times.

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

**Board's Action – Gilmanton Sand & Gravel:**

**MOTION:** W. Peterson 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 1/14/2022.
2. Conditions precedent shall be completed no later than 4/25/2023.
3. Submit final plans (6 paper, 1 reduced, 1pdf). Submit one electronic copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. LLS stamp and signature.
  - b. Add AoT and NHDES SS permit number to the plan set.
  - c. Update the title block on the existing conditions plan – remove reference to lot 2.
  - d. Remove the note about loaming and seeding.
  - e. Add latest revision date to revision block.
  - f. Add the following notes:
    1. Permit term is to 7/23/2038.
    2. Travel over South and Wareing Roads is not permitted.
    3. No disturbance or vegetative removal in all buffers required by RSA 155-E.
    4. All existing slopes in excess of 1:1 should be barricaded. Gates must be locked, top of quarry must be barricaded.
4. 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 and construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
5. DES confirmation of expansion.
6. Evidence of other agency permits:
  - a. AoT
  - b. Site Specific
7. All existing slopes in excess of 1:1 should be barricaded. Gates must be locked, top of quarry must be barricaded.
8. Payment of decision recording fee. Check made payable to BCRD in the amount of \$16.60.

9. Compliance hearing shall be held by Board as necessary.
10. Approved uses include: Earth Excavation (wholesale & retail).
11. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
12. No changes shall be made to the approved plans unless application is made in writing to the Town.
13. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
14. Where there is a conflict within the information submitted by the applicant, the Town shall determine the correct information to be applied.

The motion was seconded by K. Sturgeon and carried. (7-0)

- 4. Plan Submission Meeting and Public Hearing – Grenier Family Revocable Trust:** Request for Site Plan approval for commercial building for auto and trailer sales and repair. Property is located on Depot Street, Tax Lot 235-032-000-000 in the “I” Zone and within the Aquifer Protection District. PB #1822P.

Mr. Don Grenier and Mr. Rick Bacon were present for this application.

Mr. Bacon explained the application. The location is 9.2 acres with 508 feet of frontage and is in the Industrial zone and in the Aquifer Protection District. The Tioga River is in the background. There is a large wet area at the base of the slope. The proposed building is 2,600sf with a 600sf slab. The building will include office space and a 3-bay garage in the back for trailers and auto service. Twenty parking spaces are provided. There are no floor drains, and the dumpsters are fenced. There will be lighting and signs on the building. It will have onsite septic and water due to the distance to the South Road connection. The NHDOT driveway permit is being revised. There is a minimum impervious area of 5% and 30,000cf of disturbed area on 9 acres.

The Chairman stated there are waiver requests related to the completeness of the application: Project Survey, and Soils Map and Report / Wetlands.

**MOTION:** W. Peterson moved to grant the following waiver requests:

- a. Project Survey (Site Plan Section 5.D.1.c) due to the proposed location of the building being sufficiently away from the building setback lines.
- b. Soils Map and Report / Wetlands (Site Plan Section 5.D.3) because the topography of the site helps create a buffer between the developable area and the wetlands.

The motion was seconded by J. Pike and carried. (7-0)

**MOTION:** W. Peterson 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 6/29/22 subject to extension or waiver.

The motion was seconded by K. Sturgeon and carried. (7-0)

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

The motion was seconded by W. Peterson and carried. (7-0)

The Chairman opened the public hearing.

The Chairman noted the Departmental Responses. Water/Sewer said it would be possible to connect to the sewer down the road. They would like to know the distance from the structure to the sewer. The Land Use Technician asked about the gravel display in the front area, if containment was needed, clarification on the number of bays, storage of regulated substances, what the slab will be used for, and a correction on note # 5, sheet 2. Most Staff had no response or concerns.

P. Harris said this is a nice lot on a state highway. R. Pickwick asked how close it is to the city water supply near there. Mr. Bacon replied that the septic as proposed is close at about 270 feet as the crow flies. R. Pickwick had concerns about the 250-foot requirement in the sewer regulations. S. Whearty explained that she worked with the Sewer and Water Department and reviewed the sewer ordinance. The distance is measured from the closest point of a building or septic in a single direction and if it is within 250 feet, they are required to connect. The plan indicates they are 258 feet from the septic to the municipal connection. R. Segalini commented he doesn't think there would be enough elevation to get there. R. Pickwick said the proposed septic will need a leach field and he is concerned about the neighbor's well. Mr. Bacon stated the well does not show on any plan. They stayed as far back as they could and stayed out of the Wellhead protection area. They also stayed out of the Tioga Water system.

S. Whearty reported that she made the applicant aware of the subdivision regulations that require any part of a project within 500 feet of sewer to connect. In the event they decide to subdivide, both lots would need to connect. There was some discussion about a previous application for the lot under a different owner.

P. Harris asked what would be in the fenced storage area. He expressed concerns about vehicles being stored where runoff will carry contaminants into the stormwater feature.

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

J. Pike asked about the lack of floor drains and what happens when the floors are washed. Mr. Bacon said they are using a spill containment setup. He said by NH State law they can't wash vehicles outside either. P. Harris confirmed that regular Aquifer inspections will be done.

**Board's Action – Grenier Family Revocable Trust:**

**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 dated 2/16/2022.
2. Submit final plans (5 paper, 1 reduced, 1 pdf). Submit one electronic copy for approval prior to submitting all required copies.
3. Add/identify/include note on plan:
  - a. Add additional spot elevation within the parking area. It is difficult to discern the runoff flow path.
  - b. Locate/set/show easterly front pin.
  - c. Fix the note on sheet 1 to 12 spaces instead of 12 bays.
  - d. Correct note #5 on sheet 2 (State and local ----- will be complied with)
  - e. Identify the purpose of the 600sf slab.
  - f. Remove the “this plan is for review purposes only...” note from final plan.
  - g. Provide construction details for the pond.
  - h. Add labels for gravel display area and fenced in storage area.
  - i. Add spot elevation to identify the top of berm elevation around the pond.
  - j. Provide riprap emergency spillway.
  - k. Identify/label the width and depth of the swale on the plan view and in the detail.
  - l. Label bottom of pond elevation.
  - m. Correct hours of operation and hours during construction. No construction shall begin before 7:00am Monday through Friday and not before 10:00am on Saturday and Sunday.
  - n. All parking, storage, activity to remain within buildings and on pavement. No storage or parking elsewhere on the property. All vehicles and equipment shall be work/road worthy. No junk or salvage vehicles or vehicle parts. Parking restricted to on site permitted uses.
4. Payment of decision recording fee. Check made payable to BCRD in the amount of \$20.60.
5. Model the swale in hydroCAD.
6. Reevaluate the design of the detention pond to accommodate the 50-year storm and provide 1-foot of freeboard.
7. Resubmit a new Quality Assurance Plan incorporating the Aquifer Plan requirements and addressing what substances may be stored on site.
8. Evidence of other agency permits obtained:
  - a. NH DOT
9. Applicant shall sign and return copy of Town’s Inspection Schedule. (Schedule will be available once final plans are submitted.)
10. Conditions precedent shall be completed no later than 4/25/23. Active and Substantial development of the approved improvements shall occur no later than 4/25/24 and improvements shall be substantially completed by 4/25/26.
11. 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):

12. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any. If deemed necessary, the escrow shall be established before construction begins.
13. Submission of building plans, approved by Building Inspector & Fire Department.
14. 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.
15. Underground utilities (telephone, electric, etc.) required from the ROW.
16. 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.
17. Comply with the Noise Ordinance.
18. 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.
19. All improvements to be completed or secured (as allowed by the Town) prior to any occupancy of the site.
20. Dumpster sized appropriately to contain all refuse, placed on an impervious surface, screened all sides.

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

21. Approved uses include motor vehicle and trailer sales and repair.
22. 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.
23. Storage of vehicles needing repair shall be limited to inside the garage or on paved surfaces.
24. Temporary erosion control measures shall be removed or the cost of the removal shall be secured in escrow prior to Certificate of Occupancy.
25. Annual compliant aquifer inspections are required for the site and each occupancy.
26. A Spill Control and Response Plan is required for a combined amount of 100 gal or 800 lb of potential contaminants.
27. 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.
28. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
29. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
30. All exterior lighting shall be downcast and shielded from abutters and traffic.
31. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
32. No changes shall be made to the approved plans unless application is made in writing to

- the Town.
33. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
  34. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 4/25/23 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.
  35. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
  36. Operational conditions of the Town and other agencies shall be met.

The motion was seconded by K. Sturgeon and carried. (7-0)

5. **Public Hearing – Mammoth Acquisition Company LLC:** Compliance hearing to discuss the alternative slope stabilization treatment (approved 09/28/2020) on the southeasterly sideline of tax lot 201-029-001-000 and the southwesterly sideline of tax lot 201-029-000-000 that failed. Property is located at 73 Daniel Webster Highway, in the “C” Zone. PB #1722P.

The Chairman opened the public hearing.

P. Harris stated he is concerned about the slope at ConvenientMD.

Mr. Brian Jones of Allen & Major Associates, Inc. explained that he was originally engaged with Mammoth Acquisition for this project. However, he is no longer under contract with them and can't speak on their behalf.

Mr. Matt Halvatzes of Coastal Construction said he worked for ConvenientMD on the construction of the slope and the building. He knows a lot about the project and can relay any information from tonight to them.

The Board confirmed that there was no owner present at this evening's meeting. S. Whearty stated ConvenientMD and others involved in the project and ownership were sent letters about the problem and the meeting.

J. Pike said this is not a new problem. R. Pickwick asked Mr. Jones and Mr. Halvatzes who asked them to attend the meeting. They received letters from Land Use Staff.

M. LeClair stated Mr. Jones and Mr. Halvatzes can't speak for the owner, but they will probably be the ones fixing the problem. Mr. Jones can make recommendations. R. Segalini stated the wrong people are here this evening. There was discussion about tabling the hearing.

M. LeClair explained the Board signed off on an original plan that didn't work. Mr. Jones came back two years later with an alternative treatment that didn't work. He said former Land Use Technician Rick Ball said it may or may not work, but Mr. Jones insisted it would. Mr. Jones stated he did not certify that the alternative treatment would work. He certified that vegetation could be established. It was a viable solution from the geotechnical engineer. There is a shallow slope plane failure. This is a

geotechnical issue, not an erosion issue.

J. Pike said the Town has a problem. The slope is too steep. A lot more root growth would be needed, but he is not an engineer. We need to do what is best for the Town. Perhaps a retaining wall or more stone to hold it. ConvenientMD is on the hook because they own the property. Vegetation was established but the earth it is attached to doesn't stay stable.

M. LeClair acknowledged this discussion will not bring about a resolution. The hearing should be tabled and re-noticed.

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

**Board's Action – Mammoth Acquisition Company LLC:**

**MOTION:** M. LeClair moved that the compliance hearing for Mammoth Acquisition Company LLC be tabled until the owner or their representative can appear at the hearing. All conditions of the 01/25/2019 approval shall otherwise remain in effect.

The motion was seconded by R. Pickwick and carried. (7-0)

There was discussion about what could happen if they don't comply, such as revoking the site plan approval or the Certificate of Occupancy.

D. Grimes had concerns about the slope and what could happen with a bad rain storm. There is loose soil. S. Whearty assured the Board that letters were sent to ConvenientMD about concerns for public safety and asking that the parking spaces be closed. The Fire Department and Building Inspector were called out because there was more erosion from recent rain.

Mr. Halvatzes stated jersey barriers were installed by Coastal Construction at the base of the slope and the parking spaces are blocked.

**6. OTHER BUSINESS:**

**A. Approval of Minutes 03/28/2022:**

**MOTION:** J. Pike moved to approve the minutes of March 28, 2022 as written.

The motion was seconded by R. Pickwick and carried. (7-0)

**B. Staff Report:**

**1. Goodwill Dumpster Request – 95 Daniel Webster Highway – Tax Lot 201-094-000-000:**

Staff received a letter that their dumpster is being filled with household trash. They have an agreement that donations and items to be discarded are stored in the back and hauled offsite. Trash is being dumped after hours and they need to pay for the disposal.

It was the consensus of the Board that the dumpster be screened on all sides, locked, and that they consider getting a camera. Goodwill needs to be responsible for it.

**2. Wild Acres/Grimstone – Tioga Ridge Subdivision – Tax Lot 229-024-000-000:**

Land Use Staff and DPW are working with the developers to determine what needs to be completed

for the subdivision. DPW is requesting a modification to the conditions of approval. The subdivision was approved with a 4-foot paved sidewalk. It was designed to be an extension of the lane but striped to provide delineation. DPW is concerned about the future cost and maintenance headaches this additional pavement causes and are requesting that the Planning Board modify that condition. The paved sidewalk is likely to be damaged during the vegetation removal along the side of the road. Not requiring the contractor to reconstruct the 4-foot paved sidewalk could help offset the cost of other road items that need to be fixed. C. Clairmont said the road is a nightmare and he clarified that the Town is not required to accept the road and take over maintenance responsibility until the road meets Town standards. The Town will not be backing down. DPW wants the road rebuilt like DPW would do if it were any other road in Town. J. Pike said the Board should support DPW.

C. Clairmont recommends the contractor build a 22-foot-wide road with no sidewalks. C. Clairmont explained that DPW is asking for the road to be reclaimed, for underdrain to be installed, and for tack and shim followed by tack and overlay after the road has sat for one winter season. Any problems with the road become the Town's problem forever once the Town accepts the road. J. Pike agreed that we hate to put a hardship on the owner but this cannot become a burden for tax payers.

DPW has met with Land Use Staff to discuss possible changes to the Subdivision Regulations including requiring culverts and driveway aprons to be installed at the time the road is built before any Certificates of Occupancy are issued. DPW has encountered a wide array of culvert installs. Some culverts are installed by contractors who do a good job, and some culverts are installed by a homeowner with inadequate cover. DPW recommends at least 1 foot of cover and the ditchlines should be manipulated to not impede the flow of water. D. Grimes and C. Clairmont continued to discuss problems with not requiring aprons and the damage it causes to Town roads.

S. Whearty redirected the discussion back to the sidewalk at Tioga Ridge Subdivision. S. Whearty mentioned that as a runner she values sidewalks but she is not sure the extended pavement will primarily be used by pedestrians and bikers. The extended pavement will likely be used by vehicles for additional parking. S. Whearty explained that the 4-foot sidewalk has already been installed. DPW and Land Use Staff believe that when the contractor removes the vegetation and does repairs, the paved area will be damaged. Instead of putting it back, they can saw cut, reclaim, and turn the 4-foot paved sidewalk into a stabilized gravel shoulder. R. Segalini stated if they choose to not put back the 4-foot sidewalk, all of it should be removed. It is all or nothing. When repairs are done, the material can be ground up and put into an extended shoulder. If the Town takes over the road it needs to be way the Town wants it. There was clarification about where the condition came from. Tioga Ridge Subdivision is classified as a cluster subdivision and it is a condition in our Subdivision Regulations.

It was the consensus of the Board that the road should be built to the satisfaction of Department of Public Works.

**MOTION:** J. Pike moved to amend the subdivision plan approval for the Tioga Ridge Subdivision application #26-05, tax lot 229-024-000-000, to remove the condition to require a 4-foot paved sidewalk.

The motion was seconded by W. Peterson and carried. (7-0)

**C. New Business:****Route 140 – Former Hillcrest Pizza location – 298 Depot Street - Tax Lot 235-072-000-000:**

M. LeClair asked about the landscaping place being run out of a trailer and using a letter changing sign. S. Whearty will follow up on this.

**Boat Property on Route 106 – 730 Laconia Road – Tax Lot 230-041-000-000:**

M. LeClair said the location has a new owner/change of occupancy. There was a previous request from the Board to fix the fence and they complied. Now it is looking worse than before. They are not keeping the site in a sightly manner. S. Whearty will follow up on this.

**Regional Impact Notice from Laconia:**

S. Whearty informed the Board that Laconia sent a notice about a proposal to construct three apartment buildings with 90 units and a waiver for a sidewalk at 244 Province Street.

**Regional Impact Notice from Tilton:**

S. Whearty told the Board that Tilton sent a notice about a proposal at the former Anchorage Resort for construction of a building with a height of 59 feet where only 49 feet is allowed. The Board discussed various concerns about lake congestion and traffic issues. The Board asked Staff to send a letter to please keep the Town of Belmont updated on this project.

**Adjournment:**

**MOTION:** M. LeClair moved to adjourn at 7:50 pm.

The motion was seconded by W. Peterson and carried. (7-0)

Respectfully submitted:

Colleen Akerman  
Building & Land Use Clerk