



PLANNING BOARD MINUTES

TOWN OF BELMONT, NH

MONDAY, February 24, 2025 6:00 P.M.

Belmont Mill 4th Floor Tioga Room

14 Mill Street & Zoom

Present: Chairman Peter Harris; Selectmen's Rep Jon Pike; Richard Pickwick; and Gary Grant.
Absent: Vice Chairman Ward Peterson; Michael LeClair
Alternates absent: Susan Irving
Staff: Karen Santoro, Town Planner
Members on Zoom: Kevin Sturgeon
Public on Zoom: Ronald Ouillette, Sharon.

Chairman Harris opened the meeting at 6:00 pm and welcomed those in attendance. He announced that any party experiencing any difficulty in accessing the meeting through Zoom at any point, should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties. He stated that because there was a Board member on Zoom tonight, they would be taking all votes by roll call vote.

Susan Condodemetraky Revocable Trust: Applicant is seeking Site Plan Approval for the expansion of the existing contractor's yard to include towing and temporary storage of repossessed or abandoned motor vehicles. Property is located at 194 Gilmanton Road, Tax Map 241-019-000-000, in the Rural Zone. PB Case # 01-25P

Ethan Wood, Esq. was present to discuss this application on behalf of his client, the Susan Condodemetraky Trust, and the trustees of that trust. Two trustees were present, Chris Condodemetraky and George Condodemetraky. He stated that he just received the town's staff report, so they have not had a chance to fully digest it. He stated that he would ask at this point that the Board accept the application as complete so they can begin a presentation with regard to what they are asking for with this application.

WAIVER REQUESTS

Building Plan -Elevation/Height/Layout (Site Plan Review Section 5.D.2)

Building Plan—Elevation/Layout/Height.

E. Wood stated that no new buildings, structures, additions, or replacements are being proposed.

MOTION: R. Pickwick moved to grant a waiver to Section 5.D.2 – Building Plan – Elevation, height, layout since no new structures are being proposed.

G. Grant seconded the motion.

Motion carried unanimously by roll call vote. (5-0)

Utilities & Fire Protection Plan (Site Plan Review Section 5.D.6) Utilities/Fire Protection Plan.

E. Wood stated that the use of the premises is similar to the preexisting use and there are no improvements that contemplate a change in the location of the current location of utilities. P Harris stated that his one concern is that with the additional storage of cars, they would need more fire protection than what s currently used. E. Wood stated that with regard to the existing fire protection plan, he would note that the vehicles on the premises are not kept for any length of time. They are dropped off and stay for up to 10 days and then leave. They are not remaining on the property for any length or period of time. In regards to the concern about the potential for fluids coming out, that is a valid concern. He stated that his client is a vocal advocate concerns in this town. The vehicles are all on gravel and away from buildings. There is no real likelihood of some conflagration starting with no one being on premises because this is also a residence and the applicant is there for the entire night and day. The expectation they would have is that their existing fire plan would suffice and would permit sufficient time for the municipal services to respond of there is an emergency of some sort. P. Harris asked if there was a designated area that the cars would be kept in? E. Woods stated that there was. He pointed out on the plan where they were parking the vehicles. E. Wood stated that there were fire extinguishers located on the trucks and buildings.

K. Santoro stated that there is a history of fire at this location, therefore Staff does not support this request. E. Woods stated that there has been a fire in the past.

K. Santoro noted that the plan that E. Wood was referring to had not been supplied to Staff, so Staff has not had a chance to review it. At this point the Board shouldn't even be discussing it until Staff has a chance to review it.

J. Pike stated that he doesn't understand why the applicant would not have a fire plan for the applicant's own benefit. E. Wood stated that they did not receive the staff report until that day.

K. Santoro stated that Staff is suggesting denying this waiver, because without a proposed utilities and fire protection plan, the Fire Department can't comment on something that doesn't exist.

MOTION: J. Pike moved to deny, without prejudice, a waiver request to Section 5.D.6 – Utilities & Fire Protection, until they get feedback from the Fire Department.
G. Grant seconded the motion.
Motion carried unanimously by roll call vote. (5-0)

Stormwater Management Plan & Report (Site Plan Review Section 5.D.7)

Stormwater Management and Erosion Control Plan and Report.

E. Wood stated that there are no proposed changes to the topography of the premises that would implicate a stormwater management and erosion control plan and report. The very limited change

is the widening of the driveway in accordance with the engineer's recommendations. This proposed project is minor in nature and this requirement is exempt under Section 5.G of the Belmont Site Plan Review Regulations.

K. Santoro stated that Staff has concerns. The applicant is stating that they propose no changes to topography, however, the secondary driveway that was supposed to be installed would be changes to the topography and landscaping. So, the Town would require some sort of stormwater management. Staff does not support the waiver request.

E. Wood stated that they are not proposing any changes to the land other than widening of the existing driveway to better accommodate vehicles based on the engineers' recommendations. He stated that they can create a report stating whether or not stormwater will be impacted as a result of widening the driveway. But he would imagine that any impact would be negligible.

MOTION: R. Pickwick moved to deny, without prejudice, a waiver request to Section 5.D.7 – Stormwater Management Plan and Report, until they have more information.
K. Sturgeon seconded the motion.
Motion carried unanimously by roll call vote. (5-0)

Street & Driveway Profiles and Plan (Site Plan Review Section 5.D.8) Street and Driveway Profiles, Cross Sections and Details Plan.

E. Wood stated that there are no streets being proposed and no new driveways being proposed. The only impact will be a widening of the existing driveway. He noted for the record that the engineer his client hired has recommendations about the driveway, and that was included in the packets.

MOTION: R. Pickwick moved to deny, without prejudice, a waiver request to Section 5.D.8 – Street & Driveway Profiles.
J. Pike seconded the motion.
Motion carried unanimously by roll call vote. (5-0)

Landscape Plan (Site Plan Review Section 5.D.9) Landscape Plan.

E. Wood stated that the property has mature landscaping and the proposed plan does not contemplate the disturbance of existing landscaping feature or the addition of any new landscaping features. – *Staff supports this waiver request.*

MOTION: R. Pickwick moved to grant a waiver request to Section 5.D.9 – Landscape Plan.
J. Pike seconded the motion.
Motion carried unanimously by roll call vote. (5-0)

Soils Map & Report (Site Plan Review Section 5.D.3)

Soils Map & Report.

E. Wood stated that there are no wetlands or surface waters in the immediate area that are affected by the proposed plan. This proposed project is minor in nature and this requirement is exempt under Section 5.G of the Belmont Site Plan Review Regulations.

K. Santoro stated that Staff has concerns and does not support the waiver request. Again, with the secondary driveway that was supposed to be installed, Staff would like to see a basic soils map and report.

E. Wood stated that they are not proposing the secondary driveway based on the Engineers report. K. Santoro stated that it wasn't an option, as the Zoning Board approved the special exception based on the second driveway being installed.

E. Woods stated that he feels the need to correct the record with regard to the second driveway. It says, the ZBA's additional condition of approval was that "progress be made on improving the area where old Highway 140 currently exists, and in doing so in the most practical timeframe and with the cooperation of the Town. No third party will enter the premises after 6PM or before 10 AM." They do not require it to be open, and after their study with the engineers, the applicants think there are significant safety concerns with opening that and using that, in fact, that's why they submitted a 3rd party engineer report. If the Town has concerns with that, it's within the purview of the Board to hire a 3rd party to review that report and render a decision. The explanation that the Zoning Board's approval was conditioned upon using this is not an accurate statement with regard to this approval.

K. Santoro stated that as part of the approval, one of the additional conditions that all representations made by the applicant during the public hearing are incorporated as a condition of approval. The testimony by both Stefan Condodemetraky and by Counsel, they both proposed opening up that second driveway as a way to alleviate the safety concern that the abutters across the street had to bring vehicles off the roadway and not stacking up on Route 140. That was part of the motions, part of the improvements and it's also a condition of approval.

E. Wood stated that he would note specifically that they discussed this, and they did talk about it, but after their third-party review engineer told them it was dangerous, they felt that they could not do that.

K. Santoro stated that their option is that they return to the Zoning Board and request that they remove that condition of approval.

E. Wood stated that based on the written approval, he feels there is an issue there. However, if they need to return to the Zoning Board and tell them that they cannot do what they have requested as a result of it being dangerous, that is certainly what they will do, but they are not going to advocate for a plan that increases the danger to traffic, which is one of the things they are looking to avoid.

At the end of that ZBA meeting, they began obviously undertaking that effort, including putting together a warrant article and significant resources to see if it was possible only to be ultimately told that it was dangerous, and the best course of action was to widen the existing driveway. The ability to enter and exit safely is better on the existing driveway. He stated that he understands the concerns, but they have deferred to the experts.

K. Santoro stated that at this point they are looking at the waiver request. The concern that they are discussing is regarding the ZBA. at this point in time, the Planning Board could not approve the application. It hasn't even been accepted as complete yet, which is based on these waiver requests. Staff would suggest moving through the waiver requests and then making a decision on completeness.

E. Woods stated that they could go back to the ZBA if the Board feels it's necessary, but he would ask that they give a condition subsequent. The issue that the ZBA had is that they all assumed that the second entrance would be safe. Only after consulting with engineering they discovered it was not.

K. Santoro stated that the Board's decision was based on that assumption.

J. Pike asked if they should just table this request and move on to the other waivers for now?

E. Wood stated that it's clear that they will not be receiving an approval from the Board tonight. The primary goal as he sees it is not to receive an approval or denial. He feels its really a matter of figuring out where the concerns lie and see how they can address them.

J. Pike stated that he was not in a position to vote on something because he's not disputing it, rather he is listening to their professional people. There is an agreement problem with statements that were put on in that meeting that have a great deal of bearing as we go forward with this application. Her would like to table this until they can come back to it.

K. Santoro stated that the Board can chose not to vote on this waiver request, but without the waiver, the application is not complete.

The wavier request was put on hold.

Topographic Plan (Site Plan Review Section 5.D.4) Topographic Plan.

Applicant testimony: The proposed change in topography is restricted to NH DOT driveway specifications for access to state roads. This proposed project is minor in nature and this requirement is exempt under Section 5.G of the Belmont Site Plan Review Regulations.

K. Santoro stated that Staff does not support the waiver. There is not enough information provided to indicate what the topography is.

MOTION: J. Pike moved to deny, without prejudice, a waiver request to Section 5.D.4 – Topographic Plan.
R. Pickwick seconded the motion.
Motion carried unanimously by roll call vote. (5-0)

Aquifer Plan (Site Plan Review Section 5.D.5

Aquifer Plan & Report. The property is not over or adjacent to a known aquifer. This proposed project is minor in nature and this requirement is exempt under Section 5.G of the Belmont Site Plan Review Regulations. - *Staff supports this waiver request.*

MOTION: J. Pike moved to grant a waiver request to Section 5.D.5 – Aquifer Plan
R. Pickwick seconded the motion.
Motion carried unanimously by roll call vote. (5-0)

Completeness of Application

P. Harris stated that the concerns have come from a lack of information for getting the plan complete and go forward with it. E. Wood stated that they will address the concerns that the Board brought up, and they appreciate the opportunity to do that. He stated that he would like to clarify while he has the Board’s attention, with regard to completeness of the application. The note that he has states “*Staff recommends the application is not complete for review. The site plan provided, even with the requested waivers, does not meet the requirements set forth in Section 5: 1 of the Site Plan Regulations. (Including but not limited to missing Section 5:1.d; Section 5:1.e; Section 5:1.g; and 5:1.m)*” He stated that he is concerned with the language that is underlined “*but not limited to*” He would appreciate some clarification about what else might be missing so that they can appropriately address them.

K. Santoro stated that there is a site plan checklist that is available to list the number of items on the site plan. The checklist is voluminous, which is where the “*including but not limited to*” comes in. For instance, the plan does not have the frontage, or the size of the buildings. There is very minimal information.

E. Wood stated that part of it was because they were approaching this as a minor site plan.

K. Santoro stated that even with a minor site plan review they would need road frontage and right of way width. Basic information that is on the site plan, including minor site plans.

MOTION: R. Pickwick moved that the application is not complete for the following reasons: The site plan provided, even with the requested waivers, does not meet the requirements set forth in Section 5: 1 of the Site Plan Regulations. (Including but not limited to missing Section 5:1.d; Section 5:1.e; Section 5:1.g; and 5:1.m) Resubmission is subject to review by the Land Use staff for completeness and requires renotification.

J. Pike seconded the motion.

Motion carried unanimously by roll call vote. (5-0)

E. Wood stated that to make sure this is understood correctly, they have noted that the application is not complete and they are obligated to re-notice this application when they have a completed application? K. Santoro stated that Staff is always willing to work with applicants to help them with what is required information on the site plan.

Amend/approve meeting minutes of January 6, 2025 and January 27, 2025

MOTION: R. Pickwick moved to approve the minutes of January 6, and January 27, 2025

P. Harris seconded the motion.

Motion carried by roll call vote (4-0-1 J. Pike abstained)

Staff Report

K. Santoro stated that the Gale School application was approved a little over 4 years ago. Typically, at 4 years the site plan expires. However, she did ask the architect to list out what progress they have made on the project and they have provided a list of what has been done that starts in the first quarter of 2021. Even though some of it isn't visible on site, there have been a lot of work behind the scenes. Staff is requesting consensus from the Board that the project be considered vested and that the site plan has technically not expired and they can move forward with their building permit.

MOTION: J. Pike moved that the gale School project is considered vested and can move forward with their building permit.

R. Pickwick seconded the motion.

Motion carried unanimously by roll call vote. (5-0)

K. Santoro stated that they have received some inquiries about a building that's under condominium ownership for the units, and there is potential that they would like to split a unit. It may be coming back to the Board for a condo re - subdivision. They are still waiting for an official request from the owner.

ADJOURNMENT

MOTION: On a motion made by J. Pike, seconded by K. Sturgeon, it was voted unanimously to adjourn at 7:14 pm.

Vote: All in Favor, motion carried (5-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant