



PLANNING BOARD MINUTES

TOWN OF BELMONT, NH
MONDAY, April 22, 2024 6:00 P.M.
Belmont Mill 4th Floor Tioga Room
14 Mill Street & Zoom

Present: Chairman Peter Harris, Vice Chairman Ward Peterson, Gary Grant, Richard Pickwick, and Kevin Sturgeon, and Michael LeClair.

Absent: Jon Pike

Staff: Karen Santoro, Town Planner

Zoom: None

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.

Chairman Harris asked that everyone be respectful to each other and the Board members, and to please direct all questions and comments to the Board. The public will be allowed the opportunity to address the Board during the public hearing.

Plan Submission Meeting and Public Hearing – Pike Industries, Inc: Request for Site Plan Approval to temporarily place a portable asphalt plant on lot. Property is located at 246 Depot Street, Tax Lot 236-011-000-000, in the Industrial and Rural Zones. Planning Board Case #13-24P

K. Sturgeon recused himself.

Justin Zdunczyk, from Pike Industries, was present to discuss the application. Mr. Zdunczyk stated that the applicant is proposing to temporarily place a portable asphalt plant at the site on Depot Street. He noted that this would be temporary, and possibly not even utilized. The applicant's intentions are to operate the plant if it is needed to supplement existing Pike asphalt plants or paving projects in the general area.

LOT HISTORY:

- Excavation site 1981-Persons, 2001-Province Sand & Gravel
- See Excavation Summary attached to application.
- 4/2024: Application to install a portable, temporary asphalt plant on lot.

COMPLETENESS OF APPLICATION

WAIVER REQUESTS

Section 5-D-4: Utilities / Fire Protection Plan: Pike will not be installing or using new utilities. We have fire protection throughout our asphalt plant and any emergency personnel will have full access to the operation.

Section 5-9-D: Landscape Plan: The asphalt plant will be a temporary structure. There is a natural wooded buffer along Depot Road. The only clear view into the site is the entrance.

Section 9-C: Traffic / Pedestrian Circulation: There will only be the plant operators at the asphalt plant during operation (2 employees). The only other traffic will be the haul trucks getting asphalt. No other traffic will be added by this proposal.

Section 9-D: Pedestrian / Auto Design: Pedestrians will not be permitted to enter this site. However, there will be full access for emergency vehicles.

Section 9-E: Parking: There will be only two employees parking on site.

Section 9-G-1: Landscaping: This will be a temporary operation. Landscaping is not applicable. There is a natural wooded screen along Depot Street.

Section 9-R: Road Street Design: Access to the site is already in place. No changes are proposed.

MOTION: W. Peterson moved to grant the requested waivers.
M. LeClair seconded.
Vote: Motion carried (5-0)

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 6/22/2024 subject to extension or waiver.

Second: R. Pickwick
Vote: Motion carried (5-0)

DEVELOPMENT OF REGIONAL IMPACT

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.

The property is not within the Aquifer & Groundwater Protection District.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.
Second: W. Peterson
Vote: All in favor, motion carried (5-0)

MERITS OF APPLICATION:

Departmental Responses:

Fire: This is a paving/tar manufacture, temporary or not. We need to make sure that all fire protection and suppression is taken care of as per NFPA. Also being a sand pit, any oils or petroleum products don't get down into the ground.

Police: No concerns.

Public Works: No comment.

Town Administrator: No concerns.

Code Enforcement Officer/Building Official: No concerns.

Conservation Commission: No concerns.

Assessing: No Concerns.

Land Use Technician: See Staff Notes.

Staff Comments/Notes:

The Site Plan parcel is located in the Industrial Zoning District and overlaid by the Aquifer Protection District. The parcel address is 246 Depot Street (NH Rte. 140) although the application lists the property address as 308 Depot Street. The Tax Map/Lot Number is 236-011-000-000.

The primary permitted use of the site is any activity related to the removal of sand, gravel, loam or stone for commercial purposes. A temporary, portable asphalt plant is not a specifically listed permitted use in the Industrial Zoning District. However heavy manufacturing is a permitted use.

Examples of heavy manufacturing include concrete manufacture, asphalt batch plants, mass production of commercial or recreational vehicles or large machinery, production of industrial organic and inorganic chemicals, and refining, extruding, rolling, or drawing of ferrous or nonferrous metals, etc.

Petroleum products, which require on-site storage, are a key component in the manufacture of asphalt. Petroleum bulk storage is a permitted use in the Industrial Zone.

Although the applicant has requested a waiver for Section 5-D-4: Utilities / Fire Protection Plan, the fire suppression system and products used for fire suppression should be reviewed by the Belmont Fire Department for conformance with National Fire Protection Association (NFPA) requirements and safety of fire suppressant product use in an aquifer protection zone.

The applicant has also requested a waiver for Section 9-C: Traffic Circulation Plan, however tank trucks delivering petroleum products to the asphalt plant during periods of operation and removing petroleum products when the plant is decommissioned will be accessing the site in addition to the haul trucks getting asphalt as noted in the application. The circulation route as well as the loading/off-loading spill protection control and containment systems should be reviewed. This is typically done by New Hampshire Department of Environmental Services (NHDES) Technical Standards and Design Review section and the NHDES Oil Compliance Section.

The following permits and plans, as noted in the application should be a condition of approval:

1. NHDES Air Permit
2. United States Environmental Protection Agency (EPA) Stormwater Pollution Prevention Plan (SWPPP)
3. NHDES Spill Prevention Control and Countermeasures Plan (SPCC)
Along with any other Federal and State permits that may be required

Chairman Harris opened the public hearing portion of the hearing.

Chuck Lewis, 276 Depot Street. C. Lewis asked where the exact location of the plant would be? J. Zdunczyk pointed out the location on the proposed site plan. C. Lewis expressed concern over the possible additional noise and any water contamination from this plant. J. Zdunczyk stated that the state has one of the strictest permitting rules for above ground tanks. The pipes and tanks will be inspected thoroughly in order to allow the use of this plant.

Sharon Ciampi asked what the traffic pattern would be to this plant. J. Zdunczyk stated that they would be utilizing the existing entrance/exit. K. Santoro stated that this is an existing traffic pattern.

Steven Duchesne, 31 Kayla Drive. S. Duchene asked about dust and odor control. J. Zdunczyk stated that they take measures to mitigate the odor. If there is an issue, they can contact him.

Susan Rhodes, Scenic Drive. She asked if this will create more blasting? J. Zdunczyk stated that this plant will not create any blasting.

Chairman Harris closed the public hearing.

MOTION: M. LeClair moved that the application for Site Plan Approval be granted Final, conditional approval as it appears to meet all 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 4/1/2024.
2. Submit final paper plans (5 full size, 1 reduced, 1 pdf). Submit one copy (preferably electronic) for approval prior to submitting all required copies.
3. Payment of decision recording fee. Check made payable to BCRD; amount to be determined.
4. Conditions precedent will be met no later than 4/22/2025.
5. Applicant shall sign and return copy of Town's Inspection Schedule, if applicable. Schedule will be available once final plans are submitted.
6. 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.

7. All original conditions of approval remain in place except as amended herein.
8. Applicant shall apply for/receive all applicable Federal, State and local permits.
9. All representations made by the applicant during the public hearing are incorporated as a condition of this approval, such as odor/dust mitigation, and the entrance/exit to and from the site.
10. No changes shall be made to the approved plans unless application is made in writing to the Town.
11. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
12. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 4/22/25 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 4/22/2026. 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.
13. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
14. This approval is for the 2024 season only.

Second: R. Pickwick

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

K. Sturgeon returned to the table.

Minutes

Amend/Approve prior meeting minutes of March 25, 2024.

MOTION: P. Harris moved to approve the minutes of March 25, 2024, as written.
 Second: R. Pickwick
 Vote: Motion carried (5-0-1 M. LeClair abstained)

LRPC

K. Santoro stated that Christine Marion was on the agenda to be at this meeting, however she was not present. Christine Marion had attended a Board meeting this last Fall to discuss a grant the LRPC had received to help towns modify their groundwater protection ordinances. There are some sections that should be changed. If they only make the changes that are required by the state, they would only need to hold two public hearings rather than wait to put them on the warrant in March. There are a few changes that they should make in order to come into line with the state, and to satisfy the grant requirements. If the Board would like, they can review the

information that was emailed to them and they can meet with Christine Marion in May. If they have any questions they can reach out to staff.

Staff Report

Hertel -Jamestown Road

K. Santoro stated that this property has been sold. She expects that whoever purchased it may be in front of the Board at some point.

ADJOURNMENT

MOTION: On a motion made by K. Sturgeon, seconded by R. Pickwick, it was voted unanimously to adjourn at 6:50 pm.

Second:

Vote: All in Favor, Motion carried (6-0)

Respectfully Submitted



Susan M. Austin, Land Use Assistant