



Planning Board Minutes Town of Belmont

Monday, July 27, 2026 6:00 P.M.
Belmont Mill 4th Floor Tioga Room
14 Mill Street & Zoom

Present: Chairman Peter Harris; Vice Chairman Ward Peterson; Richard Pickwick; and Michael LeClair
Absent: Kevin Sturgeon; Gary Grant and Selectmen's Rep Jon Pike.
Alternates absent: Susan Irving and Tyson Morrill
Staff: Karen Santoro, Town Planner & Susan Austin, Land Use Assistant

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.

Plan Submission and Public Hearing – IDH Realty, LLC.: Applicant is seeking Site Plan Approval for a contractor's yard with a dwelling unit subordinate to nonresidential use. Property is located at 121 Laconia Road, Tax Lot 205-069-000-000, in the Commercial Zone. Planning Board Case # 14-26P.

This application was continued from June.

Clay Dunn was present to discuss his application.

COMPLETENESS OF THE APPLICATION:

Waiver Requests:

Section 5.D.7. - Stormwater Management and Erosion Control Plan and Report

Applicant response: Existing water runoff of impervious area will decrease after construction as the new garage roof will drain into the 8" pipe and house roof will drain into a ¾ stone bed. Foundation drains and existing garage slopes to the back into a grassy swale.

MOTION: W. Peterson moved to grant a waiver to Section 5.D.7.

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

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 8/26/2026 subject to extension or waiver.

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

DEVELOPMENT OF REGIONAL IMPACT

Chairman Harris stated 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.

Second: W. Peterson

Vote: All in favor, motion carried. (4/0)

Chairman Harris opened the public hearing. There were no public comments.

DEPARTMENTAL RESPONSE:

Fire: No concerns

Police: No concerns

Water/Sewer: No comments

Public Works: No comments

Town Administrator: No comments

Code Enforcement Officer: No concerns

Conservation Commission: This property is in a wellhead protection area for 2 public drinking wells. There will be NHDES regulations that need to be followed.

Land Use Technician: No issues with the proposed development.

Assessing Administration: No issues or concerns.

Staff Comments:

Future residential use will require relief from the Zoning Board of Adjustment for detached "Dwelling Subordinate to Non-Residential Use" and a Conditional Use Permit from the Planning Board (Owner can file at a later date as an amendment to site plan application).

There is a seasonal (intermittent) stream on the property. Wetland setback (35' seasonal stream) must be maintained.

C. Dun provided the Board with an updated septic plan that showed the 75-foot wellhead protection radius.

FINAL APPROVAL

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 5/30/2026.
2. Submit final plans (6 paper, 1 reduced, 1 pdf). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a) Correct:

Plan provided is not signed.

3. Payment of decision recording fee. Check made payable to BCRD in the amount TBD.
4. Evidence of any other agency permits obtained as applicable.
 - a. DOT Driveway Permit
5. Applicant shall sign and return copy of Town's Inspection Schedule. (Schedule will be available once final plans are submitted.)
6. Easement language for mobile home on abutting parcel
7. Conditions precedent shall be completed no later than 7/27/27. Active and Substantial development of the approved improvements shall occur no later than 7/27/28 and improvements shall be substantially completed by 7/27/30.
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, OTHER ENFORCEMENT ACTION AND DAILY FINES.

9. Future proposed residential building will require relief from the Zoning Board of Adjustment (detached dwelling subordinate to non-residential use) and a Conditional Use Permit from the Planning Board.
10. 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.
11. Submission of building plans, approved by Building Inspector & Fire Department.
12. 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.
13. Underground utilities (telephone, electric, etc.) required from the ROW.
14. Obtain successful milestone observations from Land Use Staff **and** additionally and separately, all required inspections by the Building Official, Fire Department, and NH DOT.

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

15. Approved uses include: Contractor's yard.
16. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, drainage and other site improvements. Plans shall be reproducible in black/white.
17. Temporary erosion control measures shall be removed or the cost of the removal shall be secured in escrow prior to Certificate of Occupancy.
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. No changes shall be made to the approved plans unless application is made in writing to the Town.

24. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
25. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 7/27/27 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.
26. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
27. Operational conditions of the Town and other agencies shall be met.

Second: W. Peterson

Vote: All in favor, motion carried. (4/0)

Plan Submission and Public Hearing – Parent Sand and Gravel: Applicant is seeking Site Plan Approval for a contractor's yard with two storage/warehouse buildings. Property is located at 98 Wareing Road, Tax Lot 245-016-000-000, in the Rural Zone. Planning Board Case # 16-29P.

This application was continued from the June meeting.

Jon Rokeh was present to discuss this application. He presented the Board with a new site plan. It was noted that the units have been reduced in size to meet the 35' wetland setback. J. Rokeh also noted that they addressed the abutters concerns from the last meeting. Units have been reduced in size from 20' x 60' to 15' x 55' to meet the 35' wetland setback. Landscaping to be part of final reclamation plan as parcel will cease to be an active gravel pit; scale house and haul road to abutting parcel (active pit) to remain.

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 4/24/2026; updated July 2026
2. Submit final plans (6 paper, 1 reduced, 1 pdf). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
 - b) Correct sheet 3:
 - i. Indicate building dimensions
 - c) Include reclamation plan
3. Payment of decision recording fee. Check made payable to BCRD in the amount TBD.
4. Evidence of any other agency permits obtained as applicable.
 - a. Updated driveway permit application.
5. Applicant shall sign and return copy of Town's Inspection Schedule. (Schedule will be available once final plans are submitted.)
6. Security (reclamation): Prior to any site work security shall be provided for closure in case of abandonment. Applicant shall submit engineer's cost estimate of closure costs to the Town for approval and the owner shall post required security in the form of a letter of credit or cash in an

amount to be set by Town based upon engineer's estimate.

7. Conditions precedent shall be completed no later than 7/27/27. Active and Substantial development of the approved improvements shall occur no later than 7/27/28 and improvements shall be substantially completed by 7/27/30.
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, OTHER ENFORCEMENT ACTION AND DAILY FINES.

9. 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):
10. 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.
11. Submission of building plans, approved by Building Inspector & Fire Department.
12. 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.
13. Underground utilities (telephone, electric, etc.) required from the ROW.
14. 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.
15. 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.

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

16. Approved uses include: Interior Storage. Scale house and haul road to remain for existing gravel operation on abutting lot.
17. Final reclamation plan should be executed in its entirety prior to issuance of the Certificate of Occupancy.
18. 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.
19. Temporary erosion control measures shall be removed or the cost of the removal shall be secured in escrow prior to Certificate of Occupancy.
20. 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.
21. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
22. Landscaping shall be maintained, shall be kept in a slightly manner and not allowed to deteriorate.
23. All exterior lighting shall be dark sky compliant; downcast and shielded from abutters and traffic.
24. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be

removed within 30 days.

25. No changes shall be made to the approved plans unless application is made in writing to the Town.
26. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
27. Approval is subject to expiration, revocation, and changes in the Ordinances. This conditional approval shall expire on 7/27/27 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.
28. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
29. Operational conditions of the Town and other agencies shall be met.
No washing of vehicles permitted on site.

Second: M. LeClair

Vote: All in favor, motion carried. (4/0)

Plan Submission and Public Hearing –Mark and Janet St. Germain: Applicant is seeking a Boundary Line Adjustment to transfer 32.11 acres from Lot 222-002-000-000 to Lot 222-002-002-000. Properties are located on Hurricane Road, Tax Lots 222-002-002-000 & 222-002-000-000, in the Rural Zone. Planning Board Case #17-26P.

Craig Bailey, Susan and Mark St. Germain were present for this application.

COMPLETENESS OF APPLICATION

Waiver requests:

Chairman Harris stated that the following waivers are requested as these items are not pertinent or provide no consequential information or benefit to the review and approval of the Boundary Line Adjustment Proposal:

- a. Section 5.D.3 (NRCS Soil Map and Report)
- b. Section 5. D. 5 (Aquifer Plan)
- c. Section 5. D. 8 (Road Plans)
- d. Section 9.L (Special Features Plan & Report)
- e. Section 5.E.6 (Quality Assurance Program)

- MOTION:** W. Peterson moved to grant the following waivers:
- Section 5.D.3 (NRCS Soil Map and Report)
 - Section 5. D. 5 (Aquifer Plan)
 - Section 5. D. 8 (Road Plans)
 - Section 9.L (Special Features Plan & Report)
 - Section 5.E.6 (Quality Assurance Program)

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

- 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 9/30/2026 subject to extension or waiver.

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

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.

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

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

Chairman Harris opened the public hearing. There was no public present.

K. Santoro stated that a small portion of the front of lot 222-002-002-000 is located in the Aquifer Protection District; and a portion of the rear of lot 222-002-000-000 is located in the Aquifer Protection District.

FINAL APPROVAL

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 or plan set dated June 2, 2026.
2. Submit final plans (2 mylar, 6 paper, 1 reduced). Submit one copy electronically for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a. All pins/bounds to be set and so certified on final plan.
 - b. Label 50' setback
3. Payment of decision recording fees. One check made payable to BCRD for Plan and Notice of Decision recording fee - TBD) and second check made payable to BCRD for LCHIP fee \$25.
4. Conditions precedent shall be completed no later than 7/27/27.
5. Final plans will not be recorded until transferring deed(s) have been approved by the Town and are also signed and ready for recording along with any subordination documents. Proposed transfer deed to be submitted to Town for review and approval prior to signing.
6. Compliance hearing shall be held by Board as necessary.

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

7. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
8. No changes shall be made to the approved plans unless application is made in writing to the Town.
9. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 7/27/27 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.
10. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

Second: W. Petersen

Vote: All in favor, motion carried. (4/0)

Plan Submission and Public Hearing - Dawn and Steven Padfield: Applicant is seeking a Boundary Line Adjustment to transfer 224 sq. feet from Lot 111-021-000-000 to Lot 111-020-000-000 and 23 sq. feet from Lot 111-020-000-000 to Lot 111-021-000-000. Properties are located on Wakeman Road, Tax Lots 111-021-000-000 and Tax Lot 111-020-000-000, in the Residential Single Zone. Planning Board Case # 18-26P

Dawn Padfield was present to discuss her application.

COMPLETENESS OF APPLICATION

Waiver requests:

The following waivers are requested as the lots are existing and no new construction/modifications are proposed:

Section 5.D.3 NRCS Soil Map and Report

Section 5.D.4 Aquifer Plan

Section 5.D.5 Utilities/Fire Protection Plan

Section 5.D.8 Special Features Plan & Report

Section 5.E.6 Quality Assurance Program

MOTION: W. Peterson moved to grant the following waivers:

- Section 5.D.3 NRCS Soil Map and Report
- Section 5.D.4 Aquifer Plan
- Section 5.D.5 Utilities/Fire Protection Plan
- Section 5.D.8 Special Features Plan & Report
- Section 5.E.6 Quality Assurance Program

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

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 9/30/2026 subject to extension or waiver.

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

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.

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

Second: W. Peterson

Vote: All in favor, motion carried. (4/0)

Chairman Harris opened the public hearing. There was no public present.

Chairman Harris stated that lots are pre-existing nonconforming lots; the boundary line adjustment will not affect the overall size of the lots (they will not become more nonconforming). Boundary line adjustment is being requested to remedy encroachment issue between the properties; no new construction to occur.

FINAL APPROVAL

MOTION: R. Pickwick 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 December 30, 2025, revised 6/5/2026.
2. Submit final plans (2 mylar, 6 paper, 1 reduced). Submit one copy electronically for approval prior to submitting all required copies. Add/identify/include note on plan:
 - a. All pins/bounds to be set and so certified on final plan.
3. Payment of decision recording fees. One check made payable to BCRD for Plan and Notice of Decision recording fee - TBD) and second check made payable to BCRD for LCHIP fee \$25.
4. Conditions precedent shall be completed no later than 7/27/27.
5. Final plans will not be recorded until transferring deed(s) have been approved by the Town and are also signed and ready for recording along with any subordination documents. Proposed transfer deed to be submitted to Town for review and approval prior to signing.
6. Compliance hearing shall be held by Board as necessary.

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

7. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
8. No changes shall be made to the approved plans unless application is made in writing to the Town.
9. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 7/27/27 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.
10. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.

Second: W. Peterson

Vote: All in favor, motion carried. (4/0)

Plan Submission and Public Hearing: James and Judith Cookman: This application was received relative to NH RSA 674:53 – Land Affected by Municipal Boundaries. The lot is located in both Belmont and Gilford. Applicant is seeking Subdivision Approval to divide one lot into three. A portion (19.27 acres) of Gilford Tax Lot 207-003 is located in the Town of Belmont. (Town of Belmont Tax Lot 203-004-000-000) Property is located at 149 Young Road, in the Rural Zone. Planning Board Case # 19-26P

Craig Bailey and Judith Cookman were present to discuss this application.

C. Bailey stated that this was already approved in Gilford, conditional on Belmont Planning Board approval.

COMPLETENESS OF APPLICATION

MOTION: M. LeClair 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 9/30/2026 subject to extension or waiver.

Second: R. Pickwick

Vote: All in favor, motion carried. (4/0)

DEVELOPMENT OF REGIONAL IMPACT

Chairman Harris stated 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: I move that the proposal does not have a potential regional impact.
Second: M. LeClair
Vote: All in favor, motion carried. (4/0)

Chairman Harris opened the public hearing. There were no public comments.

Chairman Harris stated that the applicant is requesting a waiver of the subdivision regulations per Section 2:C

The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Waivers must be submitted in writing and shall only be considered during the formal review of an application for which abutters have been notified.

MOTION: W. Peterson moved to waive Town of Belmont Subdivision Regulations per Section 2:C(2) for the lot known as Town of Belmont Tax Lot 203-004-000-000.
Second: R. Pickwick
Vote: All in favor, motion carried. (4/0)

Plan Submission and Public Hearing – Belmont Landing, LLC: Applicant is seeking Site Plan Approval to construct 36 residential units on the upper floors of an existing mixed use commercial building. Property is located at 171 Daniel Webster Highway, Tax Lot 101-022-000-000, in the Commercial Zone. Planning Board Case # 20-26P

Jamie O'Hara, W. Philpot, and Craig Bailey were present for this application.

COMPLETENESS OF APPLICATION

MOTION: M. LeClair 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 8/26/2026 subject to extension or waiver.
Second: R. Pickwick
Vote: All in favor, motion carried. (4/0)

DEVELOPMENT OF REGIONAL IMPACT

Chairman Harris stated 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.
Second: M. LeClair
Vote: All in favor, motion carried. (4/0)

Chairman Harris opened the public hearing.

Departmental Responses to the application:

DEPARTMENTAL RESPONSE:

Fire: Recommends third party review of fire and life safety plan; there is currently no fire lane, with addition of 36 residential units this causes concern for FD access.

Police: No comments.

Water/Sewer: No comments.

Public Works: No comments.

Town Administrator: No comments

Code Enforcement Officer: Units/building will need to meet Building, Fire and Life Safety codes including but not limited to means of egress. Building is proposed mixed use (commercial/residential) it needs to conform to the IBC requirements (not IRC).

Conservation Commission: No comments.

Land Use Technician: The property lacks adequate parking.

Assessing Administration: No comments.

Land Use Staff Comments:

674:80 Amendment to Zoning Regulations. (excerpt)

I. Notwithstanding any provision to the contrary, municipalities shall allow multi-family residential development on commercially zoned land, provided that adequate infrastructure, including roads, water, and sewage systems, shall be available or provided to support the development.

The current application does not meet parking requirements as outlined in the Site Plan Regulations Section 9:E. A traffic study was provided by the applicant however, the timing of the study (week prior to Memorial Day/Memorial Day) raises concerns. Staff is recommending a third-party traffic study be conducted. Additionally, parking is at a deficit with current tenants; not taking into consideration the potential use of the vacant units on the first floor.

Application indicates 104 parking spaces available; staff have totaled spaces finding a total of 96 parking spaces. Original approval in 2004 required 108 spaces (104 provided per plan – waiver granted for four spaces).

Plan sheet labeled “2nd Floor and Mezzanine Plan” indicates 29 units; actual unit count is 29 units on second floor plus 7 units on third (mezzanine) floor for a total of 36 units.

Dumpster currently on site may not be adequate to accommodate 36 dwelling units in addition to the commercial businesses on the first floor.

Current parking lot configuration does not contain a fire lane; in the event of an emergency fire apparatus may have difficulty accessing the property.

DOT Driveway permit may need to be upgraded due to proposed residential use.

Craig Bailey was present to speak for the applicant. He stated that the applicant has tried to utilize the building as commercial in both the first and second floors, but has little success using the second floor as commercial. The site plan is to add the use of residential. The site plan they are presenting to the Board is to reconfigure the upstairs floor into residential units. They are proposing some green space in a back rear of the building. The lot currently has 104 parking spaces, which is what is required for the current commercial operations. This leaves 35 spaces available for the residential units.

K. Santoro interjected that there are NOT 104 spaces. If you add up what is shown on the plan, there are 96 spaces. The original plan has 104, and 8 spaces were eliminated at some point.

C. Bailey stated that he respectfully disagrees. He stated that he has walked it and physically counted those spots.

K. Santoro stated that the plans provided show 96. C. Bailey stated that that was probably true, but the actual striped spaces add up to 104, which includes 7 handicap spots. Currently there are 104 striped spaces.

M. LeClair asked what businesses were currently located in this lot. C. Bailey stated that there was a Chiropractor, a music studio, a restaurant, and a few financial services. There is a doctor's office, a music studio located on the second floor. C. Bailey stated that some of these commercial businesses will not be open during the busy part of the restaurant's operating hours. He stated that as part of the application they submitted a traffic study. It was conducted over the week of Memorial Day. As expected, the heavy night was Friday night, May 21. There were 24 cars in the lot during the morning hours, and 60 at night. What that says is that when you have a restaurant, the parking spots are used mainly at night. The spots utilized for the other businesses do not need to be available 24 hours a day. He doesn't think that is what the ordinance was intending. From the ordinance it says: "The amount of parking provided on a given site should be sufficient to eliminate a disproportionate demand for on-street parking or the need for improper parking outside of designated areas or on neighboring private parking lots." He stated that the point is that there is adequate spots and he thinks even meets the ordinance if they apply the State's new rule of one parking spot per residential unit. He stated that they are in somewhat uncharted territory as they are trying to utilize the new approach that the state has given to maximize the property, bring in residents in already built infrastructure. They believe this to be a shared parking situation between the uses.

M. LeClair asked if this was to be considered Work Force Housing?

C. Bailey stated that they can't use the word "work force" because it invokes an entirely different set of RSAs. It will be moderately priced housing for people that are working. These are going to be studio apartments.

They plan to dedicate 35 parking spots behind a locked gate.

K. Santoro stated that the original approval in 2005 required 108 parking spots. They were granted a waiver to 104 spots. Staff has concerns that the applicant provided a plan showing 96 spaces while stating that there are physically 104 spaces. They have to go with the plan that is provided and the plan provided is showing 96 spaces. C. Bailey stated that the reason they provided the plan done by TF Moran is because they didn't survey that lot. He can't proprot to certify this because he has already done it twice now. They included the currently approved site plan as part of this application. They only submitted a portion of the site for there own survey work. That is why they had to include the old site plan. As far as the discrepancy between 96 and 104 spaces, they will have to come to a way to clear that up. There is an area to the far right

of this lot that is unlined. They currently keep snow removal equipment in that area. That snow equipment will have to be removed and that area converted to parking spots.

K. Santoro stated that Staff has concerns about the traffic study conducted. It was conducted over a holiday weekend, when people aren't going out to eat, rather they are having barbeques at home. She stated that at minimum, she would recommend a third-party traffic study be conducted over a longer period of time. In addition, as it stands now, based on the parking requirements, this site is almost in a deficit for parking. If they base it on what is currently on the site now, along with the residential units, it will require 125 spaces. The lot is not physically capable of adding more spaces. Staff supports the concept, but there are serious concerns about the number of spots.

W. Philpot stated that the project was approved for 104 parking spaces. They have counted 105 spaces. The building is 24,352 sq. ft. The 104 parking spots was determined to be sufficient. The second floor is 9,679 sq. ft., the first floor is 14,673 sq. ft. On a pure allocation square footage for parking, 34% can be assigned to the second floor, while 66% can be assigned to the first floor. The equates to 35 parking spots for the second floor, and 69 parking spaces for the first floor. He stated that the occupancy permit for the restaurant issued by the fire chief allows for far greater seating. The 104 spaces were determined to be sufficient. The wording of the Town's parking and loading requirements says "The amount of parking provided on a given site should be sufficient to eliminate a disproportionate demand for on-street parking or the need for improper parking outside of designated areas or on neighboring private parking lots." He stated that he doesn't know where the 125 required parking spaces came from. The allowed number for this project was 104 spaces, and the Planning Board approved it. The developer built out the 24, 352 sq. ft. based on that approval.

J. O'Hara stated that the annual permit for the fire department permit is for 40 seats in the waiting area, 150 seats in the dining area, and 80 seats in the bar area.

M. LeClair stated those numbers are for occupancy, meaning the number of people that can be in the building safely at one time.

K. Santoro stated that the parking calculation back when this was originally approved was based on the proposed uses. It was never based on square footage, only proposed uses. On March 3, Mr. O'Hara provided the Land Use Department with the current occupants of that building.

Unit 1 is a 3, 290 sq. ft. gym. They are allotted 33 spaces based on current parking calculations.
 Unit 2 is a 2,006 sq. ft. office. They are allotted 10 spaces based on current parking calculations.
 Unit 3, 4 & 5 is a 6,018 sq ft restaurant. They are allotted 49 spaces based on current parking calculations.
 Unit 6 is a 2,006 sq. ft. office. They are allotted 10 spaces based on current parking calculations.
 Unit 7 is 796 sq. ft and currently sits vacant.
 Unit 8 is a 796 sq. ft. tattoo parlor. They are allotted 8 cars based on current parking calculations.
 Unit 9 is 3,121 sq. ft and currently sits vacant.
 Unit 10 is a 1,783 sq. ft doctor's office. They are allowed 6 spaces based on current parking calculations.
 Unit 11 is 2,980 sq. ft. and currently sits vacant.
 Unit 12 is a 1,795 sq. ft. music school. They are allowed 9 spaces based on current parking calculations.

The total number of spaces based on current parking calculations is 125.

Chairman Harris opened the meeting to public comment:

Katherine Thorburn (167 Daniel Webster Highway) She stated that the property abuts the back of this property. She stated that her concern was with parking. She stated that they did the study over Memorial

Day weekend, but that is a slow time for El Jimador. There are cookouts and graduation parties going on. She stated that she has lived there for 28 years, and when they are busy, they park where the thrift store is now. A lot of times that parking lot is full and the overflow goes to the thrift store. With 36 apartments, she is going to have people just staring into her backyard.

Darryl Thorburn (167 Daniel Webster Highway) He stated that their quality of life should not be interrupted for 36 apartments. Number one, people are not going to behave themselves. They're going to have barbeque grills out in the parking lot. He stated that there is an alcohol establishment on the first floor, so the people are not going to behave. They're going to have to deal with domestic and people throwing trash and their cigarette butts all over their property. He doesn't think this will be any benefit to the town or tax payers. He stated that they are opposed to this.

Lisa Freeman – State Representative District 8 for Belknap County. She stated that she thinks it's important that everyone stands the new RSA that just went on the state books. RSA 674:79-80, which allows Mr. O'Hara to apply to have a mixed-use property which is already in existence. She stated that she'd like to address Board Member Pickwick comment about multifamily homes. Multi-family housing means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household." The reason why RSA 674:79-80 went into effect is that the state is trying to address the housing crisis. What they are seeing right now is that people are talking about an affordability issue, but it isn't an affordability issue, it's a supply and demand issue. They don't have enough supply, and there is a big demand. With projects such as this, it creates a supply. Which will meet or exceed the demand and brings prices for housing down. The reason why this project is important is that right now the state unemployment rate is 2.9%, which is wonderful. The problem is that there are businesses all up and down the Lakes Region that are screaming for people to work for them. One of the reasons why they can't find people to work for them is because there is no place for these people to live. This is not workforce housing. These are apartments designed to help people get a start. They are not meant for long term residency. They are not designed specifically for raising a family. And under HUD, it is illegal to refuse an apartment to anyone who has a child. These apartments appear to be something that will allow people to get ahead or save up some money or at least have an opportunity to have a secure and safe environment. She would be more than happy to supply the RSA to everyone. It just went into effect on July 1. She actually got in touch with the chairperson of the housing committee who crafted this legislation, and he would be more than happy to discuss this with the Board at a later date if necessary. She stated that she did understand the concerns that the Board and Staff have brought forward. But this really should have serious consideration. There is a housing crisis in this state, just like every other state. She thinks allowing for a project to go forward and at least mitigate some of those issues with housing would be in all of their best interests.

K. Santoro stated that Staff is abundantly aware of the new RSA. The RSA allows for the use, but they still need to meet site plan regulations. She also noted that Staff is not opposed to the concept of housing on the second floor. It's not the concept of the housing, it's that this particular lot does not have the infrastructure to handle the parking capacity.

Dottie Gath (Belmont resident and current landscaper/snow removal company representative) She stated that she has heard several issues about where the concerns are. Currently, the Fire Department cannot get any rigs to the back of the building, and the building has been there for many years. She gets the Fire Department's concern, but there is no egress back there for any of the fire trucks currently. With the removal of the two back staircases, it will make it easier for snow removal because they will be able to get their plow trucks back there, instead of having to snow blow and shovel. Obviously, with her being a part of the landscaping and snow removal, she is on that lot all the time at all hours. They deal with El Jimador being open until 9 PM. She stated that the Board may think there is overflow parking, but she never once in 5 years have seen that parking lot fuller than 65% -70%. She stated that they are there at all hours. She gets

the parking concern, but they need to think about the hours of the businesses that are operating there. The restaurant is there from 11am to 9PM, all of the other businesses with the exception of the health club, are open 8am to 5pm. The tattoo place might have 8 spots, but they never need more than 3. As a resident of Belmont and knowing the shortage of housing that it has, especially for basically 18- to 28-year-olds that are trying to get out of their parent's homes and get started. This will give them that opportunity. Because it's going to be affordable housing. As for the town doing it? It's a marvelous idea. Because it's something that they need and it's a multiuse building. Jamie has tried plenty of things over the years to let this building be used to its maximum potential so you should let him do that.

Katherine Thorburn stated that now she is concerned about what kind of people will be renting these apartments. She stated that now she will have to deal with all pf the rowdiness and issues.

M. LeClair stated that wasn't for the Board to decide.

K. Santoro stated that at this pint in time, because it's obvious that parking is a key issue, Staff would recommend a third-party review of the parking. Preferably conducted on a busy summer weekend so they can get better data. Staff has concerns with the study being conducted on Memorial Day weekend.

Deputy Fire Chief Famolare stated that he wanted them to keep in mind that the truck is a 44 foot long apparatus that would have to clear that turn.

MOTION: R. Pickwick moved that the application be continued to the August 24, 2026

Second: W. Peterson

Vote: All in favor, motion carried. (4/0)

Meeting minutes of June 22, 2026

MOTION: P. Harris moved to approve the meeting minutes of June 22, 2026.

Second: W. Peterson

Vote: All in favor, motion carried. (4/0)

Staff Report

K. Santoro stated that there is new legislation that will go into effect on September 1 to allow alternative housing, such as tiny homes, yurts, etc. Staff will be looking at new language to go with the new legislation.

K. Santoro stated that it's getting to be time to discuss new zoning amendments and CIP. She will have a list for the Board to look at next month.

ADJOURNMENT

MOTION: On a motion made by M. LeClair, seconded by R. Pickwick, it was voted unanimously to adjourn at 7:30 pm.

Respectfully Submitted,



Susan M. Austin, Land Use Assistant