



APPLICATION REVIEW COMMITTEE

TOWN OF BELMONT, NH

Meeting Minutes
Corner Meeting House
Thursday, February 21, 2019 – 8am

Members Present: Alicia Jipson/Assistant Town Administrator/Assessing, Mark Lewandoski/ Police Chief, Michael Newhall/Asst Fire Chief, Steven Paquin/Building Official, Craig Clairmont/Public Works Director, Richard Ball/Land Use Technician and Candace Daigle/Town Planner.

Others Present: Kevin Sturgeon was present in the audience.

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

Matthew T. Gault: Review of site plan proposal to convert residential 6-bay garage into 3-bay welding shop (Light Manufacturing), 1-bay landscaping company (Contractor's Yard), and 2-bay commercial construction materials storage (Warehousing/self-storage-Interior). Property located at 682 Laconia Road, Commercial Zone, Tax Lot 230-043-000-000. #01-19R

No one was present for this discussion.

LBWD/Rateliner: Review of site plan proposal to convert existing Light Manufacturing with Accessory Storage use to satellite truck terminal (Truck Terminal) and warehouse fulfillment/storage (Warehousing/Self-Storage-Interior) uses. Property located at 48 Dearborn Street, Industrial Zone, Tax Lot 123-028-000-000. #02-19R

Mr. Nick Castel was present for this discussion.

Staff notes: The property is in the Industrial and Aquifer Protection Zones, the existing use is categorized as light manufacturing with accessory storage. The proposed uses are categorized as Warehousing-interior-permitted, Truck terminal-permitted and Light manufacturing-permitted.

The application further includes the following detail:

- A. Warehouse fulfillment/storage
 - 1. largely grocery related and local manufacturing

2. warehouse fulfillment/storage 39Ksf & 3Ksf office
 3. volume to vary from month to month; storage uses to include NHLC wine & spirits warehouse & distribution; 2-high pallet lots
 4. outside 3rd party manufactured goods warehouse & distribution
 5. on-demand periodic light manufacturing sub-leases (5K-10Ksf sub assembly floor plan)
 6. subject to partial floor plan change of tenant application
 7. motor vehicle transloading (goods are cross-docked)
 8. no hazmat storage or other use
 9. 5days/wk 5:30am-4pm
 10. 12-16 warehousemen/drivers
 11. 5-6 office personnel
 12. non-support, non-bearing wall removal; roof repair/replacement; exterior wall resurfacing/replacement; major floor restoration; add two dock-levelers & 1 temp steel ramp to existing building not to exceed 400sf; interior lighting; office rehab; roof overhang to be enclosed or removed.
- B. Satellite (limited equipment domicile) truck terminal; equipment ceiling of 10 trucks/tractors, 6 sprinter vans and 6-8 53' trailers; overnight exterior parking w/inventory loaded.
- C. No new footprint expansion-dock level door equipment accessories, not to exceed 400sf beyond existing footprint
- D. conforming signage

Mr. Castel explained that he will be meeting with the Planning Board on Monday night to discuss whether or not a change from one permitted zoning use to a different permitted zoning use triggers site plan review by their Board. While he believes that an expansion requires site plan review, a change from one category to another should not. He believes no other community requires this. He is not proposing any expansion to the footprint of the building with the exception of loading docks to avoid the cost of site plan. Staff noted that Monday's discussion with the Planning Board would not be focused on this individual property, but it would be a generic question on whether the existing Site Plan Review Regulations require Site Plan Review when changing from one permitted zoning use to a different one.

He explained that the biggest hurdle to the success of this property is financial return. He was not an owner of the property the last time he applied (2015). He is now. They have had EFI on the property for some time which has helped, but they will soon be leaving. They have done all the environmental testing on the property. It's clear that the challenge for this industrial property is that it's located in the middle of a residential zone. They need a return on their investment. They are not exceeding the number of employees or amount of traffic historically on the site. But the site does need further investment in upgrades.

He went on to note that they have two properties in Concord but the business rates for such properties are very high and rising, causing this property to mature to a target location meriting more capital investment. Belmont has become an extension of the Concord market. If he is not able to get the definitions of zoning refined then he is not going to invest. He needs more flexibility. There isn't one community that doesn't want to have warehousing in their Industrial zone because it's less intrusive. This is always allowed in any other municipality. It's not a misuse; it's always invited. He's trying to reconfigure this property better than his 2015 application. His business has grown since then. They have six warehouses in the state and are soon closing on another. They no longer have a goal of having everything under one roof. C. Daigle explained that the Board will give approval for multiple uses so tenants can be approved on a Change-of-Tenant application, but the initial approval is necessary. Unlike such approved uses, grandfathered uses expire after two years of non-use.

Mr. Castel stated that they are primarily in warehouse fulfillment. As the cost of building a steel warehouse has skyrocketed, many companies would rather contract out that part of their business. All

the needed elements exist on this property. They do have a problem with a leaking roof, which flat roofs are prone to do. He is considering placing a pitched steel roof over the existing flat roof. That would not be considered changing the architecture on the site. This will also be a Truck Terminal. He did not understand the road issue when here in 2015. The law says increased traffic equals site plan review. However, in his evaluation, Dearborn Street already sees a great deal of heavy traffic. He doesn't want to get penalized for his proposed use of the property in terms of the additional traffic they will create. Additional traffic already exists on that road. The "No Thru Traffic" sign is not enforced.

In talking about the road and site entrances, Mr. Castel noted that it's bizarre to think about the current exit & entrance to the property with trucks coming and going from the Rte 140 intersection and how they would possibly make the turn into what was labeled as the entrance because of the turn it would present. It is just not a good plan to direct commercial vehicles into the lower entrance, closest to Rte 140. Currently they have 1-2 commercial vehicles a day. He has those vehicles coming up to the second entrance, doing a "donut" in the parking lot and then coming down the side of the building to the lower docks. It's also much safer for vehicles traveling from further up Dearborn because the sight distance is much better for both passing vehicles and his commercial drivers. Their commercial vehicles also come and go only from the Rte 140 end of Dearborn.

However, Mr. Castel pointed out it's a long way to the docks once on the property using that upper entrance. In their application, they asked to retrofit one loading door because of the expense that would be incurred in adding loading docks on the upper side of the building adjacent to the best entrance drive. However, he's been rethinking that option and will be getting prices on relocating the large truck loading docks. That type of improvement would certainly constitute site plan review. Then all the traffic in and out would be accommodated through the main parking lot. They could then use the lower docks for the non-commercial truck traffic. The drainage already works for the new docks' location. He's seriously considering that improvement.

Chief Lewandoski said Mr. Castel's idea about the commercial truck entrance and changing the docks is spot-on. The sight distance is certainly better at the upper entrance. There is a lot of school traffic on this road and the Police have received recent complaints about speeding cars. He emphasized the need to contain the commercial traffic to between this property and Rte 140. Further into Dearborn and down Church Hill is a very congested area without good turning radii. The intersection further down by the Church is also difficult. Chief Lewandoski also made the point that his Department also does not know a lot about the current interior layout of the building. He provided Mr. Castel with a contact request form to be completed and returned to PD for use in case of emergency. He feels there may be incidents once the site is used for the storage of alcohol inventory. Mr. Castel will also pass along a copy to EFI who is in the building now. The Police Department trained in the building when Lakes Region Manufacturing and Freudenberg were in the building. The building is deceiving in that it's much larger inside than one would think. He also requested that the road be posted "no engine brake use". Mr. Castel agreed. He said the intersection at Main Street often has quite a back-up of vehicles which causes people to use Dearborn Street as a detour. Chief Lewandoski asked that the Police Department be kept apprised as the project moves forward. They will talk later about security measures as they begin to occupy the building. Mr. Castel noted they have very good technology for that purpose.

Asst Chief Newhall noted that a change of use to a storage facility will require an engineer's evaluation of their sprinkler system as required by the Codes. Mr. Castel agreed and said he had made a \$200K error in Grantham by installing a non-compliant system. The tenant's insurer pointed it out. He said he's learned a lot since the last time here. Asst Chief Newhall noted that is why Belmont has the ARC and

also requires stamped plans of a proposed system prior to installation; to help applicants avoid unknown problems. Staff pointed out that details such as these do not have to be ironed out prior to making Site Plan application to the Planning Board. They will be taken care of after receiving site plan approval.

Asst Chief Newhall inquired about the use of parking refrigerated vehicles overnight due to noise. Mr. Castel said they do not utilize such vehicles and that actually 5% or less of his entire fleet is made up of tractor-trailers.

C. Clairmont suggested that the Town may request a road damage bond if traffic will be increasing a significant amount. The bond would be only for damage that occurs between the property access and Rte 140. That section of the road is not posted during the Spring thaw season. He also noted that the Town had upgraded water meters, but this property had been vacant at the time. The meter upgrade will need to be accomplished and the backflow value tested. He said the 2015 ARC discussion also referred to stormwater leaving the site at the driveway, but he has not seen any specific problem himself. It was thought then to be a simple debris maintenance problem. Runoff from the proposed pitched roof should also be taken into consideration at the time that work occurs. Erecting "Trucks Turning" signs would also be appropriate.

Mr. Castel asked about the recent tree removal along the road and where the wood went. C. Clairmont referred him to Eversource as it was their project.

S. Paquin noted most of his work with the site will occur after Site Plan approval and will depend on what is added, where, in the building. He'll look at issues such as aisleways, egress, condition of electrical, roof replacement, and new dock doors as these changes occur. Some will require certification paperwork. If a pitched roof is added Mr. Castel should keep in mind that NFPA13 requires all voids to be sprinklered. Mr. Castel was aware of that. A commercial discharge permit for Winnepesaukee River Basin is also required for the sewer discharge. Mr. Castel noted that they do not allow to be stored nor do they transport any hazardous materials.

R. Ball noted there did not seem to be much of a traffic increase proposed. Mr. Castel noted that vehicles having a GVW of 10,000 are considered commercial, but there are already a lot of those on Dearborn Street. He noted there will definitely be an increase between Rte 140 and the driveway. He also wanted to point out for the record that he had been mistaken in a statement he recently made to Jon Pike at the Selectmen's meeting. Beede Electric had 170 employees when they occupied the site.

A. Jipson noted there were no comments from Assessing. C. Daigle asked if they had trucks moving in and out at night. Mr. Castel said no. Trucks are normally finished by 3-4pm; maybe a later truck once in a while at 5pm. He also noted all their trucks are leased and are maintained by others off-site.

C. Daigle asked about the entry on the application form about subletting to small manufacturers. Mr. Castel noted he wasn't sure about that but if he did, he would not be erecting walls within the floor space to do so.

Mr. Castel noted that the site history included a 1990 Planning Board approval to condo the building. He referred to language in the Planning Board minutes and asked about a Zoning Board decision. C. Daigle will research and send him a copy.

Next Steps:

Site Plan application - the Planning Board agenda closes at 4pm, Monday 3/4 for the 3/25 meeting. Staff suggested that if Mr. Castel proceeds with an application that he have the person putting the application together contact staff so that they can suggest what waivers may be granted, especially as this is a developed lot. That would include, at a minimum, items like soils map and report and full stormwater map and report.

There being no further question or comment, C. Daigle thanked the applicant for attending and encouraged continued contact with staff to the benefit of the proposal.

C&R Realty Trust & IDH Realty: Review of site plan proposal to establish Contractor's Yard (Tax Lot 210-005-000-000) and Satellite Sales Lot (205-001-000-000). Properties located at and adjacent to 140 Laconia Road, Commercial Zone. #03-19R

Mr. Frank Yerkes, LLS was present for this discussion.

Staff notes: Properties are located in the Commercial Zone, not within the Aquifer & Groundwater Protection Zone or Floodplain, with no Current Land Use. Uses include:

Motor vehicles sales & service (Motor vehicle & trailer services, sales, repair, gas stations & parts sales)

Gymnastics studio & firearms range (Recreational Facilities-Indoor)

Retail

Repairs & Small Assembly

Staff reported the compliance status of the existing lot to be non-compliant (unpermitted contractor's yard rear of property).

Mr. Yerkes noted that the contractor's yard use had ceased until permits are obtained. Mr. Dunn has met with R. Ball on site to go over the proposal. The contractor's yard has been defined by size and location. There will also be a satellite sales area, which along with the contractor's yard will be "attached" to an office inside the plaza to provide facilities. Their satellite display area is outside of the NH State ROW and is connected to the main plaza driveway. It is limited in size because of the amount of fill necessary to expand the size. Display vehicles will be parked vertically because of the limited depth of the display area.

Chief Lewandoski said actions have to be taken to keep vehicles out of the ROW, especially because of the adjacent merge lane ending nearby which causes people to be distracted. The Police Department also receives calls from NH DOT whenever they spot vehicles parked in the ROW. The Planning Board will likely ask DOT to erect "no parking" signs in that area similar to those used at Penguin and Dionne's boat sales. C. Daigle noted that staff's suggestion is that a driveway to service the display area be constructed directly from the Plaza driveway behind and to the display area so that at no time will there be vehicle movement within the ROW; and that some sort of barrier be erected at the ROW to discourage vehicles from creeping into the ROW.

Asst Chief Newhall asked for a "defined" display area to keep the display from creeping out of the approved area. Mr. Yerkes noted it will have to be constructed, due to the slope; and they'll use riprap on the edges so the area will be defined. Asst Chief Newhall noted the site already has a Knox box and the keys for any added locks will need to be placed there. Mr. Yerkes noted the contractor's yard will be chained, but not locked.

S. Paquin noted that the contractor's yard and satellite sales display area will be incorporated into the site's annual aquifer inspection. R. Ball noted the plan should indicate that the display area is limited to heavy equipment. A. Jipson noted no comments related to Assessing.

C. Daigle noted that a Special Exception is required for the contractor's yard and should be obtained prior to making application to the Planning Board. The applicant needs to point out that he owns both companies listed as owners of the two lots and ask the Planning Board to accept that as being compliant with the Zoning condition that both lots be in the same ownership. They should also request review by NH DOT to facilitate their local approval; making it clear that no vehicles will be allowed within the ROW. Mr. Yerkes noted that no additional lighting is proposed for either use. A description of the sales area construction method to be provided. Additional plan suggestions will be sent to the applicant.

C. Daigle noted the application deadline for the ZBA meeting is 4pm, Wednesday, 3/6 for the 3/27 meeting. The application deadline for the PB meeting is then 4pm, Monday, 4/1 for the 4/22 meeting.

There being no further question or comment, C. Daigle thanked the applicant for attending and encouraged continued contact with staff to the benefit of the proposal.

Other Business:

Minutes:

MOTION: On a motion by R. Ball, seconded by Chief Lewandoski, it was voted unanimously to adopt the minutes of November 15, 2018, November 20, 2018, and November 21, 2018, as written. (6-0-1, Chief Lewandoski abstained)

Adjournment:

MOTION: On a motion by Chief Lewandoski, seconded by S. Paquin, the meeting adjourned at 9:25am. (7-0)

Prepared by,



Candace L. Daigle
Town Planner