



# PLANNING BOARD TOWN OF BELMONT, NH

Monday, February 25, 2019  
Belmont Corner Meeting House  
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Rick Segalini, Jr., Michael LeClair, Kevin Sturgeon, Jon Pike Ex-Officio and Gary Grant.  
Staff: Candace Daigle and Colleen Akerman.

The chairman opened the meeting at 6:00 p.m. and welcomed those in attendance.

**1. Plan Submission Meeting and Public Hearing – Jason Drouin Custom Homes:** Continuation of a request for Site Plan approval to construct a second story on part of existing structure (40' x 80') permitted as Contractor's Yard (building contractor with cabinet shop). Property is located at 15 Durrell Mountain Road, Tax Lot 212-008-000-000 in the "R" Zone. PB # 3018P.

P. Harris explained that Mr. Drouin has requested an additional postponement because he is not yet able to provide required plans. This is the third continuation of this request.

**MOTION:** J. Pike moved that per the request of the applicant, the site plan application of Jason Drouin Custom Homes LLC, to construct a second story on part of an existing structure, as noticed, be further tabled to 6 pm, Monday, March 25, 2019, at this location. And that further, Mr. Drouin be notified that the Board will not further table this application. Mr. Drouin is welcome to return when he is ready to proceed and public noticing will be required at that time.

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

**2. Plan Submission Meeting and Public Hearing – Mammoth Acquisition Company LLC for Northland Group LLC:** Request for subdivision approval to subdivide one lot into two. Property is located at 73 Daniel Webster Highway, Tax Lot 201-029-000-000 in the "C" Zone. PB # 0219P.

P. Harris stated that there were no waiver requests for this application.

**MOTION:** R. Segalini 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 5/1/19 subject to extension or waiver.

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

The chairman stated the following definition will be used to determine if the applications before the Board tonight have a regional impact. He explained that in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

**MOTION:** W. Peterson moved that the proposal does not have a potential regional impact.

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

The chairman opened the public hearing.

Mr. Brian D. Jones, PE of Allen & Major Associates, Inc., Attorney Stephan Nix, Mr. Michael Coffman of Mammoth Acquisition Co., LLC and Mr. Max Puyanik of ConvenientMD were present for this application.

Mr. Jones referred to the proposed subdivision plan while explaining the proposal. The proposed lot is in the northwest corner of the property and will be 1.44 acres with 5.6 acres remaining with the original parcel. The original parcel is 7 acres and includes the former Wilcom building. There are cross easements on the second page of the subdivision plan for access, egress and utilities which grant rights to both 73 Daniel Webster Highway and the new proposed lot. The last page of the plan demonstrates compliance with subdivision bylaws and regulations. This is a commercial subdivision with municipal water and sewer. The building will not be in the ROW. There is a small wetlands channel that was flagged by a certified wetlands specialist. Both lots comply with zoning regulations. This zone requires a ½ acre lot minimum and there is ample frontage on Daniel Webster Highway. The Zoning Board granted a variance for a front property setback of 15 feet rather than 50 feet.

M. LeClair asked if Staff had anything to add. C. Daigle recommended that “access and cross easements” includes drainage easements added to motion #3.

Attorney Nix stated that page 2 of the subdivision plans will also be recorded at the registry for easements.

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

**Board’s Action – Mammoth Acquisition Company LLC for Northland Group LLC:**

**MOTION:** M. LeClair moved that the application for subdivision be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

Conditions (precedent) to be complied with or secured (as appropriate) prior to plan being signed and decision recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and decision recorded.

1. This action is based on a plan or plan set dated 1/30/19.
2. Plans:  
Submit final plans (2 mylar, 5 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. New lot to be identified as tax lot 201-029-001-000.
  - b. Total frontage calculation to include Daniel Webster Hwy frontage.
  - c. All utilities to be installed underground.
  - d. Municipal water and sewer connections are required under this proposal.
  - e. All Mailboxes shall comply with USPS installation guidelines.
  - f. Northland shall provide adequate on-site parking spaces to support occupancies for which permits are requested.
3. Submit proposed access, egress, utilities and drainage easements for review.
4. Conditions precedent shall be completed no later than 2/25/20.
5. Payment of decision recording fee for plan set (TBD) and Notice of Decision (\$16.50).
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 2/25/20 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.

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

**3. Plan Submission Meeting and Public Hearing – Mammoth Acquisition Company LLC for Northland Group LLC:** Request for site plan approval for a 5,300sf commercial medical office building (urgent care clinic). Property is located at 73 Daniel Webster Highway, Tax Lot 201-029-000-000 in the “C” Zone. PB # 0319P.

**MOTION:** J. Pike moved that the following waiver be granted:

- a. Soils Map & Report as the site will be served with municipal sewer and water.

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

**MOTION:** K. Sturgeon moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted in a timely manner to complete review and act on the application. The Board shall act on this proposal by 5/1/19 subject to extension or waiver.

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

**MOTION:** W. Peterson moved that the proposal does not have a potential regional impact.

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

The chairman opened the public hearing.

Mr. Brian D. Jones, PE of Allen & Major Associates, Inc., Attorney Stephan Nix, Mr. Michael Coffman of Mammoth Acquisition Co., LLC and Mr. Max Puyanic of ConvenientMD were present for this application.

Mr. Puyanic delivered a presentation about ConvenientMD's operations. He stated the business started 6 years ago and currently has 15 facilities. They have created a unique version of full-service urgent care. ConvenientMD can provide the same type of services as an ED (Emergency Department) to up to 80% of the types of patients an ED sees. ConvenientMD doctors average 17 years of experience and nurses average 5-10 years of experience. Patients are seen from 8 am to 8 pm with no appointment. Billing is completed like a primary care office and ancillary services are affordable. An average ED visit of \$1,000 may only cost \$200 to \$600 at ConvenientMD. Many patients have high deductibles and New Hampshire is the 2<sup>nd</sup> to 6<sup>th</sup> most expensive in the country. This proposed Belmont facility will be their northernmost location in New Hampshire. They are working on a facility in Littleton as well. They are vested in their communities. ConvenientMD provides free care for school nurse partnerships with flu shots, vaccines and more. Continuing education is provided for school nurses and support is provided to community organizations. Many patients travel 30 or 40 minutes for services. Sick and injured patients are being directed by their insurance plans to ConvenientMD locations. This location will be visible and will draw patients from a large area. Most patients will visit for 1 hour, while others, such as those on IVs or infusions, will be there for several hours.

Mr. Jones reminded the Board that he is from Allen & Major Associates, which includes civil engineers, land surveyors and architects. He explained that the newly created lot sits at Daniel Webster Highway and Ladd Hill Road and they are proposing a 5,300sf single story building for the lot. The existing building and associated parking will remain.

The main entrance will be off of Ladd Hill Road with visitor and patron parking in the front and employee parking at the rear. Parking spaces will be 9'x18' with 20' wide handicap spaces. There will be a sidewalk for access and there will be an enclosure for a screened dumpster. Stormwater management will use a conventional system to capture runoff, and water will be directed to a waterfall unit to remove trash and sediment. There will be a subsurface retention system under the parking lot which will tie to the existing drainage system. Sewer and water will connect at the Ladd Hill Road stub. The onsite sewer for 73 Daniel Webster Highway runs across Route 3 and connects to the Winni River Basin.

Electric and data underground lines and a gas line are located in the shoulder of Daniel Webster Highway. The last page of the plan set includes a lighting plan. There will be standard LED dark sky compliant down-shielded lighting. A photometric study was completed so that there will be no light spillage to abutters. The detailed landscape plan includes trees and shrubs with a 3" caliper minimum, and native salt-tolerant plants in the ROW. There will be 30 trees on the site plus shrubs and perennials.

ConvenientMD's use of the property is a low traffic generator and will not increase the morning rush hour as traffic is spread out throughout the day. Estimated weekday vehicle traffic is 92 trips in and 92 trips out (184 total) over a 12-hour timespan. The morning peak hour will have 19 trips and the evening peak hour will have 22 trips. A 2015 NHDOT traffic study shows over 17,000 cars travel Daniel Webster Highway daily, so ConvenientMD traffic will only create a very slight increase. The signalized intersection at Ladd Hill Road provides safe access. The building will be 40 feet from the pavement and is located outside of the curve so there is less sight distance impact.

R. Segalini questioned if the water main will provide adequate fire suppression. Assistant Fire Chief Newhall stated the building is not large enough to require fire suppression.

R. Segalini asked about plans for the existing building. Mr. Coffman noted that their business with the property owner is a real estate transaction. They have no association with the current owner and do not know if any changes will be made.

Mr. Richard Pickwick, a Belmont resident, asked if the facility will have walk-in service or be serviced by ambulances. Mr. Puyanic responded that NH state law does not allow ambulances to bring patients directly to urgent care facilities. There will occasionally be ambulance pickups for patients to be transported to the local ED, but that is only 0.8% of patients. Mr. Pickwick asked how easy it will be for ambulances to pick those patients up. Mr. Puyanic emphasized that the priority will be to get patients out to the ED. There are double doors at the front and parking lot traffic will be blocked if necessary. During the busiest hours there should still be lots of open spaces for an ambulance.

C. Daigle asked about maximum construction hours. Mr. Puyanic proposed 6:30am to 6:30pm before requesting a 6am start time. The Board agreed that 6:30am is a reasonable start time to avoid problems with abutters.

Mr. Puyanic explained that the construction timeframe is approximately 7-9 months but there are some extraordinary site conditions on this property.

C. Daigle noted that relocation of Northland's required parking spaces will be considered as replacing exterior boat storage in that footprint. The boat parking has never been instituted and this will be a swap.

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

### **Board's Action – Mammoth Acquisition Company LLC for Northland Group LLC:**

**MOTION:** K. Sturgeon moved that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

Conditions (precedent) to be complied with or secured (as appropriate) prior to plan being signed and decision recorded. No site improvements or approved uses shall commence and no building permit shall be issued until plan is signed and decision recorded.

1. This action is based on a plan or plan set dated 1/28/19.



2. Submit final plans (7 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. Owner should caution any contractor bringing material on site to avoid transporting invasive species onto the property.
  - b. Any exterior mailboxes shall comply with USPS installation guidelines.
  - c. All exterior mechanical equipment to be screened.
  - d. On-site fueling during construction shall be on an impervious pad.
  - e. Snow disposal areas.
  - f. Signature block on either the overall site plan or on the plan set cover sheet.
  - g. Change frontage calc for lot 1 on sheet C-102 to include DW Highway frontage.
  - h. Extend suitable barrier along northwesterly side of parking area.
3. Evidence of other agency permits obtained.
  - a. NH DOT existing driveway permit review.
4. Security:
  - a. Prior to occupancy, for any outstanding plans, improvements or guarantee of improvements, the engineer shall provide a cost estimate of all outstanding and to be guaranteed to the Town for approval and the owner shall post required security in the form of a Letter of Credit or cash.
5. Payment of Notice of Decision recording fee. Check made payable to BCRD in the amount of \$20.55.
6. Applicant shall sign and return copy of Land Use Inspection Schedule.
7. Conditions precedent shall be completed no later than 2/25/20. Active and Substantial development of the approved improvements shall occur no later than 2/25/21 and improvements shall be substantially completed by 2/25/24 or shall be in accordance with the approved buildout schedule.
8. Compliance hearing shall be held by Board as necessary.

**APPLICANT SHALL TAKE SPECIAL NOTICE: NO USE/WORK MAY COMMENCE UNTIL ALL PRE-CONDITIONS ABOVE HAVE BEEN SATISFIED. CONTACT THE LAND USE OFFICE WITH ANY QUESTIONS. COMMENCING WORK OR USE PRIOR TO TOWN AUTHORIZATION SUBJECTS THIS APPROVAL TO REVOCATION, AND OTHER ENFORCEMENT ACTION AND DAILY FINES.**

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

9. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
10. Evidence of permits obtained.
  - a. Belmont curb cut, Ladd Hill Road.
  - b. Selectmen's permit to work in ROW, Ladd Hill Road water connection.
  - c. Town of Belmont Water supply, requires a high hazard backflow preventer. EPA ID# from NH DES, if required, shall be submitted prior to occupancy.
  - d. Town of Belmont Sewer, requires a commercial discharge permit.
  - e. NH DRA Intent to Excavate for any material removal exceeding 1,000cy.
11. Submission of building plans, approved by Building Inspector and Fire Department; shall comply with all applicable building, fire, health, and life safety codes. All system designs required by the Fire Department shall be submitted under stamp of the appropriate

- professional.
12. Construction schedule should be developed to avoid activity during spring road-posting season.
  13. 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, Public Works/Water/Sewer Department and NH DOT.
  14. Evidence of other agency conditions achieved.
  15. Occupancy/use of improvements requires submission of 2 paper original record (as-built) site plans including structures, utilities, roads, drainage and other site improvements.

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

16. Approved uses include: Medical Clinic.
17. All disturbance of the site to conform to Best Management Practices for the eradication and disposal of invasive vegetative species. See *Best Management Practices for Roadside Invasive Plants, NH DOT* and *New Hampshire Guide to Upland Invasive Species, NH Department of Agriculture, Markets and Food, Plant Industry Division*. Monitor disturbed areas for a minimum of 2 years after project completion for reoccurrence of growth.
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 2/25/20 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.

The applicant questioned posting surety. C. Daigle clarified that this is a condition prior to occupancy for outstanding improvements or guarantee of improvements.

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

**4. Plan Submission Meeting and Public Hearing – Foley Oil Company Inc.:** Request for site plan approval to add Propane Gas bulk storage to existing bulk storage facility. Property is located at 39 Old State Road, Tax Lot 201-002-000-000 in the “C” Zone. PB #0419P.

**MOTION:** J. Pike moved that the following waivers be granted:

- a. Stormwater Management Plan & Report as the site is currently disturbed/developed with the exception of showing sufficient detail for a functioning compliant treatment swale.
- b. Soils Map & Report as the site is currently disturbed/developed.
- c. Landscape Plan due to the location and terrain.

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

**MOTION:** W. Peterson moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted in a timely manner to complete review and act on the application. The Board shall act on this proposal by May 1, 2019, subject to extension or waiver.

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

**MOTION:** R. Segalini moved that the proposal does not have a potential regional impact.

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

The chairman opened the public hearing.

Mr. Jeff Pierson, owner and president of Foley Oil Co. Inc., and Jody Ameden of Jody Pratt Ameden Energy Consulting LLC were present for this application.

Mr. Pierson described his proposal to add three 30,000 above ground bulk storage propane tanks on their property. The building is in the middle, oil is on the right, and propane is on the left. Foley Oil Company has provided propane service for four winters and they need a reliable local supply as the supply is sometimes unreliable. They will be able to load small trucks and still have room for tractor trailers to deliver as they are in two separate areas. The property is currently used as an office, garage and bulk gasoline and oil storage. Ms. Ameden has designed the bulk storage facility and completed a safety study. She worked with the local Fire Department (FD) to conduct a fire safety analysis, which is a state and federal requirement.

M. LeClair asked Fire Chief Beattie and Asst. Chief Newhall what their concerns are. Chief Beattie answered that the FD is comfortable with the water supply and response for the current proposal. The next step will be to review stamped plans with the state fire marshal. So far the analysis is good. The chairman thanked the FD for their work.

There was discussion about state sign offs and inspections. Asst. Chief Newhall verified that the state fire marshal will work with the FD to complete plan review. P. Harris commented that there are tougher steps to get through now than before.



Mr. Pierson was reminded that any contractor bringing material on site should be cautioned to avoid transporting invasive species onto the property. Removal of such growth is regulated by the State of NH. C. Daigle stated that this should be a note for the site plans when bringing new material on site.

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

**Board's Action – Foley Oil Company Inc.:**

**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 1/31/19.
2. Submit final plans (6 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Add/identify/include note on plan:
  - a. Show screened dumpster on solid surface.
  - b. Identify additional and relocated parking spaces.
  - c. Identify closed and new oil/water separators.
  - d. Identify fuel tanks serving garage, if any oil show on concrete pad, and there should be bollards protecting the tanks serving the garage.
  - e. Show location of waste oil storage.
  - f. Remove "building setback line" wording.
  - g. Identify gate as locking w/note for Fire Department access.
  - h. Correct name of owner of 101-016, Cupples Corner LLC.
  - i. Specify details of compliant, functioning stormwater management treatment swale
  - j. Provide typical for chain-link fence and guardrail.
3. Payment of decision recording fee, \$20.50, check made payable to BCRD.
4. Conditions precedent shall be completed no later than 2/25/20. Active and Substantial development of the approved improvements shall occur no later than 2/25/21 and improvements shall be substantially completed by 2/25/24 or shall be in accordance with the approved buildout schedule.
5. Compliance hearing shall be held by Board as necessary.

**APPLICANT SHALL TAKE SPECIAL NOTICE: NO USE/WORK MAY COMMENCE UNTIL ALL PRE-CONDITIONS ABOVE HAVE BEEN SATISFIED. CONTACT THE LAND USE OFFICE WITH ANY QUESTIONS. COMMENCING WORK OR USE PRIOR TO TOWN AUTHORIZATION SUBJECTS THIS APPROVAL TO REVOCATION, AND OTHER ENFORCEMENT ACTION AND DAILY FINES.**

Construction conditions to be complied with once plan has been signed and decision recorded (shall comply with full standards of the Town's Project Security/Construction Process):

6. Construction shall be monitored and certified by a consultant appointed by the Board at the

- applicant's expense if any.
7. Future paving of the site shall not occur without review and approval by the Town of the necessary related stormwater management features.
  8. A copy of the Quality Assurance Program and the Town's Inspection Schedule shall be provided to the site contractor(s) prior to work commencing.
  9. SWPPP if required.
  10. Submission of construction plans, approved by Building Inspector and Fire Department; shall comply with all applicable building, fire, health, and life safety codes. All system designs required by the Fire Department shall be submitted under stamp of the appropriate professional.
  11. Obtain successful milestone observations from Land Use Staff **and** additionally and separately all required inspections by the Building Official and Fire Department.
  12. Use of improvements is dependent on meeting all requirements of this as well as the Fire and Building departments.

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

13. Approved uses include: Propane gas bulk storage, maximum storage of three 30,000 gallon tanks.
14. 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.
15. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
16. All exterior lighting shall be downcast and shielded from abutters and traffic.
17. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
18. No changes shall be made to the approved plans unless application is made in writing to the Town.
19. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
20. Approval is subject to expiration, revocation and changes in the Ordinances. This conditional approval shall expire on 2/25/20 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.
21. Where there is a conflict within the information submitted by the applicant, the town shall determine the correct information to be applied.
22. Operational conditions of the Town and other agencies shall be met.

R. Segalini asked what qualifies this project to require an SWPPP. C. Daigle replied that it may not be required because it is not large enough. The condition was "if necessary".

M. LeClair inquired about inspections after the project is completed. Asst. Chief Newhall responded that the FD does annual inspections on all commercial facilities.

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

**OTHER BUSINESS:****Informal Discussion – Laconia-Best Warehousing & Distribution Group (LBWD/Rateliner) – Tax Lot 123-028-000-000:**

Mr. Nick Castel was present for this informal discussion so that the Board may determine if site plan approval is required to change from one permitted zoning use to a different permitted zoning use.

Mr. Castel introduced himself as a representative of the title holder, 48 Dearborn Street Realty Group. He expressed his disagreement with the Town Planner's determination that site plan review is required to change from one zoning use to another zoning use and asked the Board for a determination. Mr. Castel plans to change the use of the property from light manufacturing to warehousing/truck terminal. He stated that other municipalities do not require site plan review for this type of change.

Mr. Castel is concerned that there is a conflict between the Change of Use/Tenant application and the zoning regulations.

Mr. Castel explained that he has also been before the Selectmen because Dearborn Street is being used as a thoroughfare with heavy traffic and commercial trucks. He stated that a road bond for Dearborn Street would not be appropriate for any site plan due to the current excessive traffic.

The chairman stated that the Board has consulted with Staff and supports their documents as written. He reminded Mr. Castel that the Board can do a better job to work with applicants when there is a site plan in place as it is a contract that explains exactly what an applicant intends to do. The Board works with applicants and townspeople through the master plan and ordinances to support people's efforts. Having a site plan protects the Town and the applicant if someone complains in the future. The Board uses their power to protect health, safety and welfare. Neighbors will feel they have been treated fairly if there is a contract with the Board on paper because they will be involved in the process as an abutter. Applicants should not fear going through the site plan process. Applicants can ask for waivers when appropriate. This may require studies to be completed.

J. Pike asked when Mr. Castel will have a site plan completed. J. Pike commented that having a site plan up to 2019 standards will only enhance the value of the property. It will solidify what uses are allowed and what has been done to increase the investment. Mr. Castel stated that his surveyor will not have sufficient time before the March 4<sup>th</sup> deadline to submit a plan.

The Board agreed that a site plan is required to change from one permitted zoning use to a different permitted zoning use.

**Approval of Minutes 01/28/2019:**

**MOTION:** On a motion by M. LeClair, seconded by R. Segalini, it was voted to approve the minutes of January 28, 2019 as written. (7-0)

**Staff Report:**

**Member Interest:** Mr. Richard Pickwick submitted a letter of interest to serve on the Board, and is also on the ballot. If he does not successfully win election, he would like to be an alternate member. Mr. Pickwick is currently in the audience if anyone has any questions.

K. Sturgeon asked if it would be appropriate to bring Mr. Pickwick on as an alternate member even while running for election. C. Daigle answered yes.

**MOTION:** On a motion by K. Sturgeon, seconded by G. Grant, it was voted unanimously to accept Mr. Richard Pickwick as an alternate member. (7-0)

**Sewer Maps:** C. Daigle stated that the updated sewer information from K. Sturgeon has been posted online by R. Ball.

**New Business:** None

**Non-Public Session – RSA 91-A:3 II(b):**

**MOTION:** On a motion by W. Peterson, seconded by J. Pike, it was voted unanimously by roll call vote to enter into non-public session in accordance with RSA 91-A:3 II(b) to discuss a matter of hiring a public employee at 7:40 pm. (7-0)

The Board returned to public session at 7:54 pm.

C. Daigle noted that no decisions were made while in non-public session.

**MOTION:** On a motion by J. Pike, seconded by W. Peterson, it was voted unanimously by roll call vote to seal the minutes of the non-public session as divulgence of the discussion would render the discussion ineffective. The minutes will remain sealed until such time as the Board acts to find that the aforesaid circumstances no longer apply. (7-0)

**Adjournment:**

**MOTION:** On a motion by J. Pike, seconded by M. LeClair, it was voted unanimously to adjourn at 7:59 p.m. (7-0).

Respectfully submitted:

Colleen Akerman  
Building & Land Use Clerk