



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Meeting Minutes of August 28, 2024
Belmont Mill & Zoom

Members Present: Chairman Peter Harris, Mark Mastenbrook, John Froumy, and Elizabeth Stewart.
Alternates Present: Susan Bouthiette
Absent: Reese Grey
Staff Present: Karen Santoro, Town Planner.
ZOOM: Beth Dubin

6:00 Public Meeting

The Chairman opened the meeting at 6:00 pm and welcomed those in attendance and announced that as Chairman of the Belmont Zoning Board of Adjustment, this public body is authorized to meet using electronic means. He said that the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he announced that any party experiencing any difficulty in accessing the meeting at any point, should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties. Chairman Harris stated that he would like to remind everyone to be respectful to each other and the Board members and to please direct all questions and comments to the Board. The public will be allowed the opportunity to address the Board during the public hearing.

Susan Bouthiette was added as a voting member.

Abutter's Hearings – Keith and Heather Buxton: Applicant is proposing to remove the existing residential structure and replace it with a new single-family home, and requests the following relief:

- A variance of Article 4 Table 1 of the Wetlands Ordinance to allow the construction of a single-family home and deck closer (42.5') to public waters than allowed (50' required). ZBA Case # 11-24Z

Property is located at 19 Chestnut Street, Tax Lot 114-008-000-000, in the Residential Single Zone.

Keith Buxton was present to discuss his application. He stated that they purchased this lot that has an existing structure on it. It is an older camp, and it is his intention to replace the existing structure with a new year-round home. M. Mastenbrook asked if the newer structure will be further away from the water? K. Buxton stated that it is their intention to keep the new house within the existing setbacks. J. Froumy asked if the new house would be multi storied. K. Buxton stated that it would be two stories.

History:

2/24/1983 – Sewer permit application

5/22/1996 – Wetlands Impact permit (dock repair)

3/4/2024 - Shoreland permit applied for

5/22/2024 – Building permit for single family residence – Denied (Variances required)

Current Considerations:

The application has met the criteria for granting a Variance.
The property is within the Aquifer Protection District.

Is this a 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.
J. Froumy seconded the motion.
Vote: All in favor, motion carried. (5-0)

Departmental Responses:

Public Works/Water/Sewer:No concerns.
Building/Code Enforcement Officer: Only concern would be the height of the building.
Conservation CommissionNo concerns
Assessing: No Concerns
Land Use Technician:See staff comments

Staff Comments:

- Lot is .26 acres in the Residential Single zoning district; minimum lot size in RS zone is one acre.
- Applicant is proposing to demolish existing residential cottage and replace with a new single-family home.

J. Froumy stated that there is a home to the northeast that is a 3-story home. He stated that he feels that the reason for the multi-story homes is due to not being able to have a basement. K. Buxton stated that was correct. J. Froumy asked if Mr. Buxton could see the multi-story homes from where his home was. K. Buxton stated that he could. J. Froumy stated that it sounds like the character of the neighborhood is changing for the better. P. Harris asked if the driveway was going to stay the same. K. Buxton stated that they are keeping it where it is for now.

Chairman Harris opened the public hearing portion of the meeting. There was one abutter present. Clair Parker, who lives at 21 Chestnut Street. She stated that her only concern was that the new home would be on the same footprint as the existing home.

K. Santoro stated that they have also received a letter from Matthew McCabe, who is an abutter that was in favor of this project.

J. Froumy stated that he wanted to remind the Board that this lot is a ¼ of an acre. He feels that it is incumbent upon the Board to consider the limitations that puts on a property owner. There is an obligation to allow a homeowner to use their property. It goes only so far as substantial justice would allow it, in other words, my rights end where yours begin. Looking at this property, he would challenge the Board to try and argue against

this .26-acre lot being adequate size to do anything other than the applicant is trying to do. The applicant is improving the character of the neighborhood.

MOTION: M. Mastenbrook moved to grant a variance of Article 4 Table 1 of the Wetlands Ordinance to allow the construction of a single-family home and deck closer (42.5') to public waters than allowed (50' required) at 19 Chestnut Street, Tax Lot 114-008-000-000, based on the following criteria:

1. The variance will not be contrary to the public interest because: It doesn't alter the essential character of the neighborhood or threaten public safety and welfare.
2. The spirit of the ordinance is observed because: It doesn't alter the essential character of the neighborhood or threaten public safety and welfare.
3. Substantial justice will be done because: Any use of the individual lot will not create any harm to the general public or any other individuals.
4. The variance would not diminish the value of surrounding properties because: By removing an existing structure and building a new home that will meet today's codes will not diminish property values, in fact it could be argued that values will increase.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because of the following:
 - a) no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The property is on a non-conforming lot.

and
 - b) the proposed use is a reasonable one because: Because a non-conforming property does not allow the intended use and will not alter the character of the neighborhood.

Additional conditions

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.

L. Stewart seconded the motion.

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

Abutter's Hearings – Keith and Heather Buxton: Applicant is proposing to remove the existing residential structure and replace it with a new single-family home, and requests the following relief:

- A variance of Article 5, Table 2 of the Zoning Ordinance to allow the construction of a single-family home and deck closer (13.5') to the front lot line than allowed (50' required). ZBA Case # 12-24Z

MOTION: M. Mastenbrook moved to grant a variance of Article 5, Table 2 of the Zoning Ordinance to allow the construction of a single-family home and deck closer (13.5') to the front lot line than allowed (50' required), located at 19 Chestnut Street, Tax Lot 114-008-000-000, based on the following criteria:

1. The variance will not be contrary to the public interest because: It doesn't alter the essential character of the neighborhood or threaten public safety and welfare.
2. The spirit of the ordinance is observed because: It doesn't alter the essential character of the neighborhood or threaten public safety and welfare.
3. Substantial justice will be done because: Any use of the individual lot will not create any harm to the general public or any other individuals.
4. The variance would not diminish the value of surrounding properties because: By removing an existing structure and building a new home that will meet today's codes will not diminish property values, in fact it could be argued that values will increase.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because of the following:
 - a) no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The property is on a non-conforming lot.
 - and
 - b) the proposed use is a reasonable one because: Because a non-conforming property does not allow the intended use and will not alter the character of the neighborhood.

Additional conditions:

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.

S. Bouthiette seconded the motion.
Vote: All in favor, motion carried (5-0)

Abutter's Hearing – CJM Industries, LLC: Request for a one-year approval extension for two Variances of the Zoning Ordinance to construct single-family residences:

- (Article 5 Table 1) in the Commercial Zone in compliance with the Residential Single-Family Zone dimensional requirements. ZBA #13-24Z
- (Article 5 Table 2) in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements. ZBA #14-24ZZ

Property is located at Route 3 and 45 Westview Drive, Tax Lots 201-016-000-000 & 201-025-000-000, in the Commercial Zone. Original Approval date was June 22, 2022.

Nick Golon was present to speak for this application.

History:

201-025-000-000:

8/2/1978 – Driveway permit

8/8/1978 – Building permit to construct 26' x 42' single-family residence.

7/30/1979 - Subdivision

4/25/2001 – Building permit for converting existing deck into enclosed room

201-016-000-000

8/13/1981 – Sign permit for National Advertising (12'x48' sign).

4/3/2000 – Developers met with Staff to discuss developing the lot with a restaurant with function room, hotel/motel complex, or elderly multi-family residential units in conjunction with St. Francis. There was a discussion about guests using boat facilities, docks, and/or the Town beach.

5/11/2001 – Developers met with Staff about developing the lot with a hotel with 103 rooms and 247 parking spaces.

10/29/2003 – Discussions about asking the Board of Selectmen to rezone the lot to allow 40, age-restricted condominium units.

12/3/2003 – Informal discussion with the Planning Board about constructing an age restricted community. Would require a Variance or rezoning.

10/8/2008 – NHDOT driveway permit.

10/21/2021 – Temporary logging NHDOT driveway permit.

6/22/2022 – Variance(s) approved by ZBA for (Article 5 Table 1) to construct single family residences in the Commercial Zone in compliance with the Residential Single-Family Zone dimensional requirements. AND (Article 5 Table 2) to construct single family residences in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements.

Current Considerations:

Does the application meet the criteria for granting a Variance?

Property is not in the Aquifer Protection District.

Is this a Development of Regional Impact?

P. 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.

M. Mastenbrook seconded the motion.

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

Departmental Responses:

Code Enforcement Officer/Building Official:.....None, only because there used to be a house there.

Land Use Technician:See Staff Comments.

Staff Comments:

The applicant is proposing a residential subdivision. They intend to meet the Residential Single-Family dimensional requirements to match the character of the neighborhood. A Variance was required for the use in the commercial zone and a Variance was required to change the dimensional requirements in the rural zone. Subdivision plan approval from the Planning Board was received on 2/27/2023.

A variance shall expire if such use is not substantially acted upon within, or ceases for more than, two (2) years. For a use not substantially acted upon within two (2) years, a one-time, one-year extension may be granted upon application to the Zoning Board of Adjustment for good cause shown. Application for extension must be filed with the Land Use Office not later than thirty (30) days prior to the expiration of the original approval.

M. Mastenbrook asked why the applicant needs an extension? N. Golon stated that the reality is that materials for construction are expensive right now, and they continue to see escalation in process. It’s twofold. One they want to make sure they find the right contractor to build this at a cost-effective price, also, the time in between the approval from the ZBA and the approval from the Planning Board was a very lengthy process, and that took away a lot of time to start this project. Since the season is winding down, it wouldn’t make sense to start that project now. One of the greatest hurdles they have had is finding a cost-effective way to clear the lots.

J. Froumy asked if there were Any changes to the project. N. Golon stated that there were no changes, this is the same application that was reviewed in 2022. P. Harris asked if any of the ordinances had changed since the approval was granted. K. Santoro stated that nothing that would affect this application has changed since 2022.

MOTION:

M. Mastenbrook moved to grant the request for a one-year extension of approval of a variance to (Article 5 Table 1) to construct single-family residences in the Commercial Zone in compliance with the Residential Single-Family Zone dimensional requirements. Property is located at Route 3 and 45 Westview Drive, Tax Lots 201-016-000-000 & 201-025-000-000, in the Commercial Zone. Original Approval date was June 22, 2022. ZBA #13-24Z, this approval has the following conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the conditions of approval. Contractors should be sufficiently warned regarding same.
3. All conditions of approval granted on 6/22/22 remain in place.
4. Approval expires on 6/22/25.

S. Bouthiette seconded the motion.

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

MOTION:

M. Mastenbrook moved to grant the request for a one-year extension of approval of a variance to (Article 5 Table 2) to construct single-family residences in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements.

Property is located at Route 3 and 45 Westview Drive, Tax Lots 201-016-000-000 & 201-025-000-000, in the Commercial Zone. Original Approval date was June 22, 2022. ZBA #14-24Z. This approval has the following conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the conditions of approval. Contractors should be sufficiently warned regarding same.
3. All conditions of approval granted on 6/22/22 remain in place.
4. Approval expires on 6/22/25.

L. Stewart seconded the motion.
Vote: All in favor, motion carried. (5-0)

Abutter’s Hearing – Elizabeth Sederquest: Request for a Special Exception to Article 5 Table 1 of the Zoning Ordinance to allow agricultural animals (chickens) on a property less than 3 acres. Property is located at 18 Hurricane Road in the “RS” Zone, Tax Lot 222-008-000-000. ZBA# 15-24Z.

History:

- 7/1979 Driveway Permit
- 7/1985 Building Permit (Single family house)
- 5/1987 Building Permit (porch)
- 10/2010 Building permit (membrane shed)
- 11/2021 Building permit (residential alterations/renovation)
- 6/2024 Request for Agricultural Animals (Special Exception required)

Current Considerations:

At least three members of Board must view site prior to meeting.
This application meets the criteria for granting a special exception.
Property is located within the Aquifer Protection District.

Is this a 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.
M. Mastenbrook seconded.
Vote: All in favor, motion carried. (5-0)

Departmental Responses:

Fire:No Concerns.
Police:No Concerns.
Public Works/Water/Sewer: No issues or concerns at this time.

Town Administrator:No Concerns.
Building/Code Enforcement Officer:No Concerns.
Conservation CommissionNo Concerns.
Assessing:No Concerns.
Land Use Technician:See staff comments

Staff Comments:

A Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow agricultural animals (chickens) on a property less than 3 acres. Property is 1.09 acres.

Elizabeth Sederquest was present to speak for her application. She stated that this is an after the fact application. She stated that they applied for the relief after they found out that they needed it. They have a coop and a run, and they are allowed to run free range occasionally because the run is small. But they are planning to add more fencing to keep them secure. M. Mastenbrook asked how many chickens did they currently have? E. Sederquest stated that they had 12 chickens. She stated that they plan to keep that number at 12. M. Mastenbrook stated that one of the biggest complaints about chickens is the smell. He asked how Ms. Sederquest planned on disposing of the chicken waste? E. Sederquest stated that they have a working farm across the street, so the area has the smell of farm already. They do, however, have a compost that they dispose of the waste in, and it is turned regularly. There is also another farm on Union Road. She stated that she doesn't think that the chickens would add anything to the smell that already exists. L. Stewart, who lives in the area confirmed that there is already an odor from the horse farm.

K. Santoro reminded the applicant and the Board that as part of the Zoning Ordinance, it is required that they follow the State of New Hampshire Best Management Practices (BMP) for Agriculture. E. Sederquest noted that she was not familiar with the BMP. K. Santoro will email a pdf of the document to the applicant.

M. Mastenbrook referenced a letter from an abutter that had concerns about chickens roaming into their yard. E. Sederquest stated that they plan on installing a movable fence in the yard to allow the chickens to move about more freely without the risk of them escaping into abutting properties. M. Mastenbrook stated that since she had a small lot, they would probably put a cap on the number of chickens that they can have. E. Sederquest stated that she understood.

M. Mastenbrook stated that he feels that they should come up with a number that would be the maximum number of chickens that will be allowed on the applicant's property. He asked if Ms. Sederquest would be agreeable to 12 chickens. She stated that she would be fine with that.

MOTION:

J. Froumy moved to grant a request for a Special Exception to Article 5 Table 1 of the Zoning Ordinance to allow agricultural animals (chickens) on a property less than 3 acres. Property is located at 18 Hurricane Road in the "RS" Zone, Tax Lot 222-008-000-000. The following criteria has been met:

1. The proposal is specifically authorized as a special exception by the ordinance. Yes
2. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts. The property is adjacent to agricultural land, and the character of the neighborhood is such as well.
3. The proposed location is of adequate size. Insofar that it meets the standards of the ordinance.
4. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. No, because here will be any additional traffic.

5. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street. There are no grade changes or excavation occurring.
6. The proposal does not create excessive demand for municipal services and facilities. Because this is a small, standalone facility, this will not create any greater demand for municipal services.
7. The proposal does not create hazards to the health, safety or general welfare of the public; As long as the applicant continues to apply the additional conditions as stated below.

Additional conditions:

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval shall be subject to the application of the NH Department of Agriculture, Markets and Food Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, dated April 2002, as amended.
- D. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
- E. Applicant will apply Best Management Practices for manure and odor.
- F. Applicant will install a fence as specified in BMP, in the absence of those specification, the applicant will provide a humane and safe enclosure
- G. The number of chickens will be set at 12, and any identifiable roosters will kept off the property.

M. Mastenbrook seconded the motion.

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

Abutter's Hearing – Danielle Joyce: Applicant is proposing to replace existing deck and is requesting the following relief:

- A variance of Article 5, Table 2 of the Zoning Ordinance to construct a deck closer (15.9') to the front lot line (Pond Road) than allowed (50' required). ZBA Case # 16-24Z
- ~~A variance of Article 5, Table 2 to construct a deck closer (36') to the front lot line (Sunset Drive) than allowed (50' required). ZBA Case # 17-24Z~~

Property is located at 145 Sunset Drive, in the "RS" Zone, Tax Lot 107-168-000-000.

Mark Randlett was present to discuss his application. Mr. Randlett noted that they no longer need the Variance of Article 5 Table 2 (front setback from Sunset Drive) as they are no longer in the setback after revising the plans.

History:

8/22/1983 – Wetland Application

8/31/1984 – Site Inspection

8/12/1986 – Variance to construct single-family home (setback variance)

8/13/1987- Building permit for single-family home

6/13/2024 – Building permit – Denied (Variances required)

Current Considerations:

The application meets the criteria for granting a Variance

Property is within the Aquifer Protection District.
Is this a 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.
M. Mastenbrook seconded.
Vote: All in favor, motion carried. (5-0)

Departmental Responses:

Police:No concerns.
Public Works/Water/Sewer:No concerns.
Building/Code Enforcement Officer: No concerns
Conservation CommissionNo concerns
Assessing:No Concerns
Land Use Technician:.....See staff comments

Staff Comments:

Applicant is proposing to extend an existing deck closer to Sunset Drive & Pond Road than allowed.

J. Froumy asked what they plan to do with the trees that are located in front of the area? M. Randlett stated that this project won't affect the trees in any way. J. Froumy asked if it seemed reasonable to include with the conditions of approval to leave the trees as they are? M. Randlett stated that was reasonable.

Chairman Harris opened the public hearing. There were no abutters present. Chairman Harris closed the public hearing.

MOTION: M. Mastenbrook moved to grant a variance of Article 5, Table 2 of the Zoning Ordinance to construct a deck closer (15.9') to the front lot line (Pond Road) than allowed (50' required), based on the following criteria:

1. The variance will not be contrary to the public interest because: It does not alter the essential character of the neighborhood or threaten the public's health, safety and welfare.
2. The spirit of the ordinance is observed because: It does not alter the essential character of the neighborhood or threaten the public's health, safety and welfare
3. Substantial justice will be done because: Any use of this will not create any harm to the general public or any other individuals.
4. The variance would not diminish the value of surrounding properties because: By adding on to a structure will increase the property values.

5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because of the following:
 - c) no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The property is relatively tight in this area, and adding another 6 feet to the deck would not enhance the structure.

and
 - d) the proposed use is a reasonable one because: A non-conforming property doesn't allow the intended use of this property and will not alter the character of the neighborhood.

Additional conditions (suggestions of staff).

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.

J. Froumy seconded.

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

Abutter's Hearing – Michael and Veronica Fournier: Request for a Special Exception to Article 11.A.2 of the Zoning Ordinance to build a 16' x 16' addition to the existing house that will be closer (34') to the front property line than is allowed (50' required). Property is located at 272 Seavey Road, in the "RS" Zone, Tax Lot 237-008-000-000. ZBA Case #18-24Z.

History:

11/29/2006 – 2 special exceptions granted to build a deck and sunroom
12/12/2006 – Building Permit: deck and sunroom
6/16/2010 - Mechanical Permit
5/7/2024 – Building Permit Denial
8/28/2024 – Variance Application

Current Considerations:

At least three members of Board must view site prior to meeting.
This application meets the criteria for granting a special exception.
Property is within the Aquifer Protection District.
Is this a 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.
M. Mastenbrook seconded.
Vote: All in favor, motion carried. (5-0)

Departmental Responses:

Police:No concerns.
Public Works/Water/Sewer:No concerns.
Building/Code Enforcement Officer:No concerns.
Conservation CommissionNo concerns
Assessing: Is this converting from 2 bedrooms to 3 bedrooms, or are they reallocating space and it will remain 2 bedrooms? Assessing adjustments resulting from this proposal will occur only on the April 1st assessment date following the start of construction.
Land Use Technician:See staff comments

Staff Comments:

Lot is .4 acres in the Residential Single zoning district; minimum lot size in RS zone is one acre.

Applicant is proposing to build a 16’ x 16’ addition to the existing house that will be closer (34’) to the front property line than is allowed (50’ required).

Michael and Veronica Fournier were present to discuss their application. M. Fournier stated that they are only proposing a two bedroom. M. Mastenbrook asked if the addition was going to be on the back side? M. Fournier stated that it was. P. Harris stated that his only concern was the distance to the road, and this plan makes it more conforming in that sense.

Chairman Harris opened the public hearing. There were no public present. Chairman Harris closed the public hearing.

MOTION: M. Mastenbrook moved to grant a Special Exception to Article 11.A.2 of the Zoning Ordinance to build a 16’ x 16’ addition to the existing house that will be closer (34’) to the front property line than is allowed (50’ required).
Property is located at 272 Seavey Road, in the “RS” Zone, Tax Lot 237-008-000-000. ZBA Case #18-24Z. The following criteria was met:

1. The proposal is specifically authorized as a special exception by the ordinance. Yes
2. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts. Because they are just adding a 16x16 master bedroom, it will not produce any impacts.
3. The proposed location is of adequate size. The proposal of a 16x16 addition will fit on the lot, and the house will be farther from the road than the existing house.
4. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. No, because there will not be any additional traffic created with the addition of a bedroom.
5. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street. There are no grade changes or excavation occurring with the addition of a 16x16 bedroom addition
6. The proposal does not create excessive demand for municipal services and facilities. Because this is a small bedroom addition, this will not create any greater demand for municipal services.

- 7. The proposal does not create hazards to the health, safety or general welfare of the public because this is a small addition on the back of the home, it will not create any hazards to the general welfare of the public.

Additional conditions:

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.

S. Bouthiette seconded the motion.
Vote: All in favor, motion carried (5-0)

Abutter’s Hearing – Barr Outdoor Advertising: Request for a Special Exception to Article 11.A.2 of the Zoning Ordinance to rebuild and add a second sign to a preexisting nonconforming billboard. Property is located on Laconia Road, in the “C” Zone, Tax Lot 205-066-000-000. ZBA Case # 19-24Z

Ben Barr was present to speak for his application.

History:
6/18/2024 - Building permit denial

Current Considerations:
At least three members of Board must view site prior to meeting. Yes
Does the application meet the criteria for granting a special exception? Yes
Property is not located within the Aquifer Protection District.

Is this a 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.
M. Mastenbrook seconded.
Vote: All in favor, motion carried. (5-0)

Departmental Responses:
Fire:No Concerns.
Police:No Concerns.
Public Works/Water/Sewer: No issues or concerns at this time.
Town Administrator:No Concerns.
Building/Code Enforcement Officer:No Concerns.
Conservation CommissionNo Concerns.

Assessing: Assessing adjustments resulting from this proposal will occur only on the April 1st assessment date following the start of construction.

Land Use Technician:See staff comments

Staff Comments:

A Special Exception of Article 5 Table 1 of the Zoning Ordinance to rebuild and add a second sign to a preexisting nonconforming billboard.

Request is an expansion of a pre-existing nonconforming use (off site sign)

B. Barr stated that he is a new owner of this property. This property had an existing sign that was closer to the road, when the state reallocated Rt. 106, they moved this particular billboard back. It's an existing nonconforming billboard. Presently, the lot is in disrepair. There are dead trees and plants on the lot. He stated that he would like to enhance this structure, and add some low maintenance grass and shrubs. He'd like to add a "Welcome to Belmont" sign as well.

M. Mastenbrook asked if there were any plans for lighting. B. Barr stated that he plans on re-using the existing lighting and illuminating the signs from the ground.

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

MOTION: M. Mastenbrook moved to grant a Special Exception to Article 11.A.2 of the Zoning Ordinance to rebuild and add a second sign to a preexisting nonconforming billboard located on Laconia Road, Tax Lot 205-066-000-000, as the applicant has met the following conditions:

1. The proposal is specifically authorized as a special exception by the ordinance. Yes
2. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts. It's simply adding another sign to an existing billboard.
3. The proposed location is of adequate size. Yes.
4. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. No, it won't change anything as it's been there for years.
5. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street. No, it's a sign that is being upgraded.
6. The proposal does not create excessive demand for municipal services and facilities. No.
7. The proposal does not create hazards to the health, safety or general welfare of the public. True, it's an existing sign.

Additional conditions:

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
- D. The addition of a "Welcome to Belmont" sign, will depend on approval of the appropriate authority.

S. Bouthiette seconded the motion.

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

Abutter’s Hearing -Lawrence and Elizabeth Dubin: Request for a variance of Article 5, Table 2 of the Zoning Ordinance to build a new single-family home closer (25’) to the front setback than allowed (50’ required). Property is located at 150 Gardners Grove Road, Tax Lot 120-018-000-000, in the “RS” Zone. ZBA Case# 20-24Z

Larry Dubin was present, along with Elizabeth Dubin who was on Zoom.

History:

09/12/2018 – Building Permit (Demo)

06/29/2021 – Electrical Permit

07/19/2024 – Building Permit denial

Current Considerations:

The application meets the criteria for granting a Variance
The property is within the Aquifer Protection District.

Is this a 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.
J. Froumy seconded.
Vote: All in favor, motion carried. (5-0)

Departmental Responses:

Police:No concerns.
Public Works/Water/Sewer:No concerns.
Conservation CommissionNo concerns
Assessing: Staff is working with applicant regarding an issue with the survey relative to how the deed was interpreted. This has no bearing on this application.
Land Use Technician:See staff comments

Staff Comments:

Applicant is proposing to build a new single-family home closer (25’) to the front setback than allowed (50’ required).

Lot is .60 acres; minimum lot size is 1 acre. Property is also located on the water; proposed project meets the 50-setback requirement from public waters.

L. Dubin stated that they recently purchased this property. There is an existing structure on the lot, but it is very old and will be torn down. He stated that he plans to build a 5,000 sq ft post and beam home, which also include a 3-car garage. It’s the corner of the garage that is within the setback. J. Froumy stated that it is

commendable that the shape of the house is such that its obvious that they are trying to work with the setback requirements. L. Dubin stated that the wetlands permit is in process.

Chairman Harris opened the public hearing.

Pauline Tessier; 11 Sawicki Way. Ms. Tessier stated that compared to the houses in that area, this one is actually far from the road.

Chairman Harris closed the public hearing.

MOTION: M. Mastenbrook moved to grant a variance of Article 5, Table 2 of the Zoning Ordinance to build a new single-family home closer (25') to the front setback than allowed (50' required). Property is located at 50 Gardners Grove Road, Tax Lot 120-018-000-000, in the "RS" Zone. The following criteria was met:

1. The variance will not be contrary to the public interest because: It does not alter the essential character of the neighborhood or threaten the public's health, safety and welfare.
2. The spirit of the ordinance is observed because: It does not alter the essential character of the neighborhood or threaten the public's health, safety and welfare.
3. Substantial justice will be done because: Any use of this will not bring any harm to the general public.
4. The variance would not diminish the value of surrounding properties because: Building a new structure with todays codes will increase the value of the surrounding properties.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because of the following:
 - a) no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The house has been set up in such a way as to meet as many setbacks as possible.
 - and
 - b) the proposed use is a reasonable one because: The house is positioned in such a way that it will not alter the character of the neighborhood.

Additional conditions:

- A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- C. Approval expires on 8/28/26 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.

J. Froumy seconded the motion.

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

Minutes of July 26, 2024

MOTION: J. Froumy moved to approve the minutes of July 24, 2024 as written.
L. Stewart seconded the motion.
Vote: Motion carried (4-0-1 M. Mastenbrook abstained)

ADJOURNMENT

MOTION: S. Bouthiette moved to adjourn at 8:16 PM
J. Froumy seconded the motion.
Vote: All in favor, motion carried. (5-0)

Respectfully Submitted,



Susan M. Austin
Land Use Assistant