ZONING BOARD OF ADJUSTMENT
BELMONT, NH
Meeting Minutes of July 23, 2025
Belmont Mill & Zoom

Members Present: Chairman Peter Harris; Vice Chairman John Froumy; Dana Silcock and Mark Mastenbrook
Members Absent: Liz Stewart
Alternates Present: Susan Bouthiette, Thomas Ceniglio
Alternates Absent: None
Staff Present: Karen Santoro, Town Planner
Zoom: None

6:00 Public Meeting
Chairman Harris 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 Zoom. He announced that any party experiencing any difficulty in accessing the meeting through Zoom at any point, should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

Chairman Harris stated that Susan Bouthiette would be a voting member for this meeting.

Abutters Hearing - Susan Condodemetraky Revocable Trust: Request to amend an existing Special Exception approval of Article 5, Table 1 of the Zoning Ordinance (Table of Permitted Uses) to allow expansion of the existing contractor's yard to include towing of motor vehicles on a flatbed truck in the Rural Zone. Property is located at 194 Gilmanton Road, Tax Lot 241-019-000-000. ZBA Case # 10-25Z.

K. Santoro stated that as of Monday, July 14, 2025 the third-party review has not been received. Staff has recommended and the applicant's counsel has concurred to request to continue the Special Exception application to the August 27, 2025 meeting to allow time for the third-party engineer's review of the driveway application and second driveway to be completed and reviewed.

MOTION: M. Mastenbrook moved to continue Case 10-25Z until August 27, 2025 at 6 PM.
Second: J. Froumy
Vote: All in favor, motion carried. (5/0)

Abutter's Hearing – Lisa and Serge Mueller: Applicant is proposing to replace the existing deck and add a detached garage, and is requesting the following relief:

- A variance to Article 5, Table 2 of the Zoning Ordinance to replace the existing deck closer (16.16' where 50' is required) than allowed. ZBA Case #13-25Z
- A variance to Article 5, Table 2 of the Zoning Ordinance to build a detached garage closer to the front lot line (40.4' where 50' is required) than allowed. ZBA Case # 14-25Z
- A variance to Article 5, Table 2 of the Zoning Ordinance to build a detached garage closer to the side lot line (12.07' where 12.5' is required) than allowed. ZBA Case #15-25Z

Property is located at 27 Elaine Drive, Tax Lot 107-177-000-000 in the Residential Single Zone.

Lisa and Serge Mueller were present to discuss their application. L. Mueller stated that they purchased the house in its current state last year. The home has no attic or a basement, and there is limited storage. They would like to add storage space as well as a garage for their car. They also have a boat that they shrink wrap every winter, but they would rather store it in a garage. The deck is in need of repair and is getting worse with time.

Development of Regional Impact
Chairman Harris stated that in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: Relative size or number of dwelling units as compared with existing stock; Proximity to the borders of a neighboring community; Transportation networks; Anticipated emissions such as light, noise, smoke, odors, or particles; Proximity to aquifers or surface waters which transcend municipal boundaries; Shared facilities such as schools and solid waste disposal facilities.

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

Chairman Harris opened the Public Hearing. There were no public comments.

Departmental Responses:
Fire: ..... No concerns.
Police: ..... No response.
Water/Sewer: ..... No response.
Public Works: ..... No concerns.
Town Administrator: ..... No concerns.
Code Enforcement Officer/Building Official: ..... No concerns.
Conservation Commission ..... No concerns.
Land Use Technician: Given that the requested variances are relate to setback from property lines, the unusual geometry of the lot creating a hardship to meet the setbacks, and the fact that the Sunray Shores Water District Pumping Station, located directly across the street, received a setback variance to site the pumping station storage structure, the variance requests are not unreasonable.
Edges of the northern and southwestern corners of the lot are in the FEMA Flood Hazard Zone AE. However, it appears that the existing and proposed structures are above the Base Flood Elevation of 484.9 (NAVD 88).

Staff Comments:
Please include in your motion to approve or deny, whether each of the five conditions is or is not met by this application.

Applicant is proposing to replace the existing deck and add a detached garage, and is requesting the following relief:

- A variance to Article 5, Table 2 of the Zoning Ordinance to replace the existing deck closer (16.16' where 50' is required) than allowed. ZBA Case #13-25Z
- A variance to Article 5, Table 2 of the Zoning Ordinance to build a detached garage closer to the front lot line (40.4' where 50' is required) than allowed. ZBA Case # 14-25Z
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Three variances are required.

M. Mastenbrook stated that the configuration of the lot doesn't allow for much wiggle room. The hardship is the lot itself.

J. Froumy stated that he would also point out that most of the homes have garages, which doesn't necessarily entitle the homeowners to a garage, but it is not unreasonable in this case.

MOTION: J. Froumy moved to grant a variance to Article 5, Table 2 of the Zoning Ordinance to build a detached garage closer to the front lot line (40.4' where 50' is required) than allowed. ZBA Case # 14-25Z

1. The variance will not be contrary to the public interest because: The proposed does not alter the essential character of the neighborhood, threaten public safety, welfare or otherwise injure public rights, and thereby it fits the intent of the ordinance.

2. The spirit of the ordinance is observed because: The proposed does not alter the essential character of the neighborhood, threaten public safety, welfare or otherwise injure public rights, and thereby it fits the intent of the ordinance.

3. Substantial justice will be done because: The benefit to the applicant does not outweigh the harm to the general public because there is no harm to the general public, and conversely, the general public does not gain anything by denying this.

4. The variance would not diminish the value of surrounding properties because: The applicant pointed out that this would enhance the esthetic character of the property. The esthetic character of a new garage would, if not enhance, certainly would not injure the surrounding 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:
   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:

      and

   b) the proposed use is a reasonable one because: The unusual shape of the property and the difficulty with having conventional additions on the home would almost always require a variance. This property cannot be used in strict conformance with the ordinance and therefore experiences a hardship.

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 7/23/27 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.

Second: M. Mastenbrook
Vote: All in favor, motion carried. (5/0)

MOTION: J. Froumy moved to grant a variance to Article 5, Table 2 of the Zoning Ordinance to replace the existing deck closer (16.16' where 50' is required) than allowed. ZBA Case #13-25Z

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Second: M. Mastenbrook
Vote: All in favor, motion carried. (5/0)

MOTION: J. Froumy moved to grant a variance to Article 5, Table 2 of the Zoning Ordinance to replace the existing deck closer (16.16' where 50' is required) than allowed. ZBA Case #13-25Z

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Second: M. Mastenbrook
Vote: All in favor, motion carried. (5/0)

Abutter's Hearing - Parent Sand & Gravel, LLC: Applicant is proposing to build a warehouse/interior self-storage building and is requesting the following relief:

- A Special Exception to Article 5, Table 1 (Table of Permitted Uses) to allow a Contractor's Yard in the Rural Zone. ZBA Case # 16-25Z.

Property is located at 98 Wareing Road, Tax Lot 245-016-000-000 in the Rural Zone.

Current Considerations:
At least three members of Board have viewed site prior to meeting.
The application meets the criteria for granting a special exception.
Property is in the Aquifer Protection District.

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: J. Froumy moved that the proposal does not have a potential regional impact.
Second: M. Mastenbrook
Vote: All in favor, motion carried. (5/0)

Departmental Responses:
Fire: ..... No concerns.
Police: ..... No response.
Water/Sewer: ..... No response.
Public Works: ..... No concerns.
Town Administrator: ..... No concerns.
Code Enforcement Officer/Building Official: ..... No concerns.
Conservation Commission ..... No concerns.
Land Use Technician: Because the existing use is a sand & gravel operation, the proposed use will likely not have a significant negative impact on the surrounding area. If the Special Exception is granted, the development will still have to go the Site Plan Approval process where issues such as site reclamation, groundwater protection and stormwater management will be addressed.
No issues with the application.

Staff Comments:
Applicant is proposing to build a warehouse/interior self-storage building and is requesting the following relief: A Special Exception to Article 5, Table 1 (Table of Permitted Uses) to all ow a Contractor's Yard in the Rural Zone.

George Holt from Aries Engineering was present to discuss this application. He stated that they are asking for approval for the use as a storage facility. They are proposing to build two 60-unit storage buildings on this lot. M. Mastenbrook asked if the sand and gravel pit will still be operational. G. Holt stated that the lot to the north. This is a separate parcel. All sand and gravel operations will be terminated and reclaimed. M. Mastenbrook stated that this will now be a commercial zone if they put storage units on the lot. J. Froumy stated that this is a permitted use. M.

Mastenbrook stated that his concern is with the traffic that a storage unit will bring to a rural area. G. Holt stated that they included information with the application from the Self-Storage Association from Alexandria, Virginia. They have conducted a study that shows that a hundred-unit facility generates likely 7 car trips a day. M. Mastenbrook asked if this was going to be a 24-hour facility. G. Holt stated that he believes there will be a gate on it, with access available to customers who have rented units. J. Froumy asked if the storage facility had to be 24 hour accessible? Hank McPherson was present to answer that question. He stated that they thought that through quite a bit. Storage units are generally accessible 24/7 to customers who have rented units. For the most part, this will be closed in the winter time. Each patron will have an access code that will allow them access, but the gates are locked 24/7 to the public. This is strictly for RVs, cars and boats. J. Froumy stated that if there was a Commercial zone, the hours wouldn't matter. But since this is Rural, the 24/7 hours are concerning. Would it be possible to put some restriction on the access? H. McPherson stated that he didn't see it being a problem. G. Holt asked if that would be more appropriate for the Site Plan Review in front of the Planning Board to decide that? J. Froumy stated that they could send this to the Planning Board with conditions that limit the hours open. M. Mastenbrook asked if there would be septic on site? H. McPherson stated that they would probably have a wash up area and bathroom. They plan to use the scale building that currently exists on the lot. S. Bouthiette asked if they plan to monitor what is stored in the units. G. Holt stated that the renters would each sign contracts that specified what was permitted to be stored and what isn't. There are also restrictions that would bar anyone from operating a business out of a storage unit.

Chairman Harris opened the public hearing.

Christie Santee (abutter) stated that her family owns Nutter Sand and Gravel, and she lives next door to this project that is being proposed. She has lived in this spot for 15 years. They rented this to another trucking company, and they have since stopped trucking out of there because there is no sand left. They had started on the other side, on Shaker Road, but then they started letting the trucks down Wareing Road. They already get a ton of traffic and litter. The top house has about 7 kids there. First of all, this is going to be an eyesore, because it's all houses there. There are fields and land out there. People will park their cars up at the vet just to come and walk their dogs. Not only will it be an eyesore, but she lives alone so that concerns her safety wise, since they will never know who's coming into the place, and sometimes people even live in them. When they are running the pit, that's during the day when we are at work. But with a 24-hour storage unit there will be activity all day and night.

Shannon Casey (a local realtor and Belmont citizen) She stated that the impact for the local residents is going to be less than an active sandpit. This project, once complete, will be very quiet. It's also stone's throw from Rt. 106, which is a major commercial route, as well as less than a mile from other storage units. The only people who will have access to this will be people who paid a lot of money to store their valuables. M. Mastenbrook asked if the lot was buildable? G. Holt stated there are some steep slopes, but they could probably put at least 4 lots on this.

J. Froumy noted that they have received a letter from an abutter. He wanted to note that the abutter states that "There are other zones in Belmont which would allow storage units, but they should not be in the Rural Zone." He wanted to point out that this IS an allowed use by Special Exception. He also wanted to note that the Planning Board should address the hours of operations and anything that would affect the esthetics and peace of the neighborhood.

MOTION: J. Froumy moved to grant a Special Exception to Article 5, Table 1 (Table of Permitted Uses) to allow a Contractor's Yard and storage units in the Rural Zone. ZBA Case # 16-25Z, based on meeting the following criteria:

1. The proposal is specifically authorized as a Special Exception by the ordinance. Yes.

2. If applicable, the proposal satisfies applicable Special Exception criteria set forth in Ordinance Article 13.F. Not applicable.
3. 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 proposal is for a self-storage unit. The neighborhood is currently rural and primarily occupied by residential homes. The Zoning Board acknowledges that those residences must be protected, they will not be hindered if appropriate restrictions are placed on the esthetics and the hours of operation to maintain the neighborhoods residential character. It is the belief of the Zoning Board that that can be accomplished.
4. The proposed location is of adequate size. Because it's a large property, the site plan shows that it is of adequate distance from setbacks, and all of the units that are being proposed are adequate size for a lot this size.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. Because it is the understanding that the amount of traffic going to and from this property will not be so great as to hinder the character of the neighborhood as there will be restrictions put on the property that will ensure that the maintenance of the character of the neighborhood in terms of traffic congestion and times of day.
6. 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. Because there is no infrastructure that will allow anyone to live in the storage units, therefore there will be no increase in any use of the existing infrastructure.
7. The proposal does not create excessive demand for municipal services and facilities. There aren't any municipal services needed on this lot, there might possibly be an office, but it is not known yet if it will utilize any services.
8. The proposal does not create hazards to the health, safety or general welfare of the public. Because it's a storage unit, there is no public there except for dropping off goods or retrieving goods from the unit.

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 7/23/27 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.

Second: D. Silcock
Vote: all in favor, motion carried. (5/0)

Abutter's Hearing – Ethan and Ashley Warner: Applicant is proposing to remove the existing deck and replace it with an enclosed living space and a patio and is requesting the following relief:

- A variance to Article 5, Table 2 of the Zoning Ordinance to build an addition closer to the front lot line (28.8' where 50' is required) than allowed. ZBA Case # 18-25Z
- A variance to Article 5, Table 2 of the Zoning Ordinance to build a patio closer to the side lot line (9.2' where 12.5' is required) than allowed. ZBA Case #19-25Z

Property is located at 33 Leisure Lane, Tax Lot 121-032-000-000, in the Residential Single Zone.

The applicant wasn't present, so the Board voted to continue this case until August 27, 2025.

MOTION: M. Mastenbrook moved to continue Cases 18-25Z and 19-25Z until August 27, 2025.
Second: D. Silcock
Vote: All in favor, motion carried. (5/0)

Minutes of June 25, 2025
MOTION: M. Mastenbrook moved to approve the minutes of June 25, 2025.
Second: J. Froumy
Vote: All in favor, motion carried. (5/0)

Staff Report

K. Santoro stated that JCB, LLC no longer needed a Special Exception because that as of July 15, 2025, retroactive to July 1, there is a new law that states that Town cannot require a Special Exception for ADUs in any residential zone

She stated that several other laws were passed that affect the Planning Board and Building Department. They are still waiting on guidance from NHMA because the language is a bit unclear.

ADJOURNMENT
MOTION: M. Mastenbrook moved to adjourn at 7:07 PM
D. Silcock seconded the motion.
Vote: All in favor, motion carried. (5/0)

Respectfully Submitted,

Susan M. Austin
Land Use Assistant