ZONING BOARD OF ADJUSTMENT
BELMONT, NH

Meeting Minutes of August 27, 2025
Belmont Mill & Zoom

Members Present: Chairman Peter Harris; Vice Chairman John Froumy; Dana Silcock; Mark Mastenbrook and Liz Stewart
Alternates Present: Susan Bouthiette
Staff Present: Karen Santoro, Town Planner
Zoom: Thomas Ceniglio

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.

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.

Staff has recommended and the applicant's counsel has concurred to request to continue the Special Exception application to the September 24, 2025 meeting to allow time for the third-party engineer's review of the driveway application and second driveway to be completed and reviewed.

K. Santoro stated that they received the report that afternoon, so they will be at the next meeting.

MOTION: M. Mastenbrook moved to continue Case 10-25Z until September 24, 2025, at 6 PM.
Second: L. Stewart
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.

History:
6/1993 Building permit (replace manufactured home)
6/2025 Building permit (addition with steps and landing); Denied -variances required

Current Considerations:
This application meets the criteria for granting a variance.
This is not 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.
Second: J. Froumy
Vote: All in favor, motion carried.

Departmental Responses:
Fire: ..... No response.
Police: ..... No response.
Water/Sewer: ..... No response.
Public Works: ..... No response.
Town Administrator: ..... No concerns.
Code Enforcement Officer/Building Official: ..... No concerns.
Conservation Commission..... No concerns.
Land Use Technician:

- The distance between the proposed addition and the paved roadway is greater than usual because the lot is on a corner of Leisure Lane reducing the visual impact of the addition's construction within the front yard setback.
- The lot line between the proposed patio and the adjacent property is well screened.
- No issues with the application.

Staff Comments:
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

Ethan Warner was present to discuss his application.

L. Stewart asked what materials would be used to build the patio. E. Warner stated that they are planning to use brick or pavers.

Chairman Harris opened public hearing. There was no public comment.

J. Froumy stated that the front of this property is on a curve, and it actually makes the home look further back. Enforcing this setback ordinance would be extraordinary.

MOTION: D. Silcock moved to grant 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, based on the following criteria:

1. The variance will not be contrary to the public interest because: The proposed does not conflict with the implicit or explicit purpose of the ordinance and doesn't alter the essential character of the neighborhood or threaten public health, safety or welfare, or otherwise injure public rights.

2. The spirit of the ordinance is observed because: The proposed does not conflict with the implicit or explicit purpose of the ordinance and doesn't alter the essential character of the neighborhood or threaten public health, safety or welfare, or otherwise injure public rights.

3. Substantial justice will be done because: Any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by the granting of a variance that meets the other qualifications.

4. The variance would not diminish the value of surrounding properties because: The expert testimony on the question is not conclusive but cannot be ignored. The Board may also consider other evidence of the effects on property values, including personal knowledge of the members themselves.
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 applicant must establish that the property is burdened by zoning restrictions in a manner that is distinct from other similarly situated property.

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 8/27/27 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: D. Silcock moved to grant 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, based on the following criteria:

6. The variance will not be contrary to the public interest because: The proposed does not conflict with the implicit or explicit purpose of the ordinance and doesn't alter the essential character of the neighborhood or threaten public health, safety or welfare, or otherwise injure public rights.

7. The spirit of the ordinance is observed because: The proposed does not conflict with the implicit or explicit purpose of the ordinance and doesn't alter the essential character of the neighborhood or threaten public health, safety or welfare, or otherwise injure public rights.

8. Substantial justice will be done because: Any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by the granting of a variance that meets the other qualifications.

9. The variance would not diminish the value of surrounding properties because: The expert testimony on the question is not conclusive but cannot be ignored. The Board may also consider other evidence of the effects on property values, including personal knowledge of the members themselves.
10. 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 applicant must establish that the property is burdened by zoning restrictions in a manner that is distinct from other similarly situated property.

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 8/27/27 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)

Abutter's Hearing – Sterling Messer Revocable Trust: Applicant is proposing to build a 24' x 32' addition and is requesting a variance to Article 5 Table 2 (Dimensional Requirements) of the Zoning Ordinance to place the addition approximately 7.5' from the side setback where 10' is required. Property is located at 153 Main Street, Tax Lot 122-004-000-000, in the Village Zone. ZBA Case #20-25Z

K. Santoro stated that the applicant submitted new plans after the agenda had been posted, therefore this application will need to be continued until September.

MOTION: **M. Mastenbrook** moved to continue Case #20-25Z until September 24, 2025.

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

Abutter's Hearing – Robert and Denise Rotier Family Trust: Applicant is proposing to remove the existing 24' x 10' deck and construct a 24' x 10' addition and a 7' x 4' landing and steps and is requesting the following relief: A Special Exception from Article 11.A.3.d (non-conforming uses/structures) of the Zoning Ordinance. Property is located at 30 Morgan Road, Tax Lot 239-067-000-000, in the Rural Zone. ZBA Case # 21-25Z.

Robert and Denise Rotier were present to discuss their application.

History:

7/16/2004	Shoreland Variance (septic system)
9/28/2005	ZBA Special Exception (reconstruct pre-existing nonconforming structure)
12/7/2005	Building/Demo permit (demo SFR; construct foundation only)
4/6/2006	Building permit (SFR)
3/5/2018	Building permit (add bathroom)
5/29/2024	Mechanical permit (UG gas piping/tank set)
6/7/2024	Mechanical permit (generator)

Current Considerations:
At least three members of Board have visited this site.
This application meets the criteria for granting a Special Exception.
Property is not in the Aquifer Protection District.

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

MOTION: P. Harris moved that the proposal does not have a potential regional impact.
Second: M. Mastenbrook
Vote: 5/0

Departmental Responses:
Fire: ..... No concerns.
Police: ..... No response.
Water/Sewer: ..... No response.
Public Works: ..... No response.
Land Use Tech: The project is located in the rural zone on a pre-existing, non-conforming parcel.

- The expansion does not exceed 40% of the original structure and therefore qualifies for a special exception.
- Application includes existing and proposed site plans, building elevations and perspective images of existing and proposed project.
- No issues with the application and proposed project. The footprint does not appear to be changing.

Assessing..... No concerns.
Town Administrator: ..... No concerns.
Code Enforcement Officer/Building Official: ..... No concerns.

Conservation Commission: The Conservation Commission would be a little concerned with the redistribution of the stormwater coming off the roof compared to having a deck which water falls over a larger area to soak in. Would hope there would be consideration regarding runoff of stormwater from the new roof line so it gets diverted before it reaches Sargent Lake.

Staff Comment:
The applicant is proposing to remove the existing 24' x 10' deck and construct a 24' x 10' addition and a 7' x 4' landing and steps and is requesting the following relief: A Special Exception from Article 11.A.3.d (non-conforming uses/structures) of the Zoning Ordinance. Property is located at 30 Morgan Road, Tax Lot 239-067-000-000, in the Rural Zone. ZBA Case # 21-25Z.

Chairman Harris opened public hearing. There was no public comment.

MOTION: J. Froumy moved to grant a Special Exception from Article 11.A.3.d, to remove the existing 24' x 10' deck and construct a 24' x 10' addition and a 7' x 4' landing and steps, based on the following criteria:

1. The proposal is specifically authorized as a Special Exception by the ordinance.
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 structure and the land will continue to be used as a single-family residence, and will not create any of these impacts.
3. The proposed location is of adequate size. Specifically in this case the footprint does not change, so the size of the land continues to be adequate.
4. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. Because it is maintaining the structure on the same footprint and the applicant has made it clear that it is not their intent to increase the population on that lot.
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. As discussed, the runoff from the roof that is being proposed is exactly the same as what it is now.
6. The proposal does not create excessive demand for municipal services and facilities. Septic and water are provided on the premises as private systems.
7. The proposal does not create hazards to the health, safety or general welfare of the public. This is an addition to an existing structure and its creating a porch area and doesn't have any impact to the 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. Obtain any state and local permits that may be required.
C. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
D. Approval expires on 8/27/27 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)

Minutes of July 23, 2025

MOTION: M. Mastenbrook moved to approve the minutes of July 23, 2025.
Second: D. Silcock
Vote: All in favor, motion carried. (5/0)

Staff Report

K. Santoro stated that there have been a lot of changes to state laws, so Staff is working on fitting these new laws in with our existing ordinances.

ADJOURNMENT

MOTION: M. Mastenbrook moved to adjourn at 6:37 PM
D. Silcock seconded the motion.
Vote: All in favor, motion carried. (5/0)

Respectfully Submitted,

Susan M. Austin
Land Use Assistant