ZONING BOARD OF ADJUSTMENT
BELMONT, NH

Meeting Minutes of March 25, 2026
Belmont Mill & Zoom

Members Present: Chairman Peter Harris; Dana Silcock; Susan Bouthiette; & Mark Mastenbrook
Members Absent: None
Alternates Present: None.
Staff Present: Karen Santoro, Town Planner & Susan Austin, Land Use Assistant
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 noted that they had a short Board, and gave applicants the option of tabling their application until the next meeting, when there will be 5 members rather than 4. All of the applicants chose to be heard.

Abutter's Hearing - Larry and Beth Dubin: Request for a Variance from Article 5 Table 2 to build a single-family home with garage closer to the front setback (17.7 feet where 50' is required) than allowed. Property is located at 156 Gardners Grove, Tax Lot 120-017-000-000, in the Residential Single Zone. ZBA Case #03-26Z.

Larry and Beth Dubin were present to discuss their application. L. Dubin stated that they purchased this property in April of 2025. When they purchased it, there were several structures on the lot. They found that there was widespread asbestos throughout those structures. They had asbestos abatement done on all structures and once that was complete, the structures were not structurally sound, so they demolished them. He stated that they were proposing to build a 2,100 sq. ft, two-story single-family home with an attached garaged. They plan to rotate the current footprint 90 degrees, as well as reducing the footprint to 1,200 sq. feet, down from 1,250 sq. feet. By removing the shed and small cottage, they are adding 800 sq. feet to the pervious surface of the property.

Current Considerations:

- The application meets the criteria for granting a Variance.
- Property is partially located within the Aquifer Protection District.

DEVELOPMENT OF REGIONAL IMPACT

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: All in favor, motion carried. 4/0

Departmental Responses:
Fire:……No concerns.
Police:……..No concerns.
Public Works/Water/Sewer:…………No concerns.
Town Administrator:…….No concerns.
Building/Code Enforcement Officer:……No concerns.
Conservation Commission…….No concerns.
Assessing:……No concerns.
Land Use Technician:
The private section of Gardners Grove Road travel-way, right-of way and parcel front lot lines are not coincident. This situation, along with the small lot geometry (less than 1 acre) and distance to the lake shore and area wetlands complicates the implementation of zoning's dimensional regulations. The average front yard setback for most properties near the subject property on Gardners Grove Road appears to be about twenty-five feet (25'). Most of the properties are or were pre-existing, non-conforming summer camps that have since been upgraded to year-round primary or secondary homes. Although the proposed residential development is applying for a front yard set-back variance, the house location meets the other zoning and shoreline dimensional requirements. A house with a width between 24-26 feet would improve the front yard setback to be closer to the average setback on other properties but still requiring a variance.

The property is in the Flood Hazard Zone with a Base Flood Elevation (BFE) of 470.5 referenced to the North American Vertical Datum of 1988 (NAVD88). The existing grade at the proposed house location is 470.0, a half-foot (-0.5) below the Base Flood Elevation. As a result, the proposed construction must meet all the applicable requirements of the National Flood Insurance Program.

Staff Comments:
Applicant is requesting a Variance from Article 5 Table 2 to build a single-family home with garage closer to the front setback (17.7 feet where 50' is required) than allowed. Property is located at 156 Gardners Grove in the Residential Single Zone.

PUBLIC HEARING
Chairman Harris opened the public hearing. There was no public comment.

FINAL APPROVAL
MOTION: S. Bouthiette moved to grant a Variance from Article 5 Table 2 to build a single-family home with garage closer to the front setback (17.7 feet where 50' is required) than allowed, based on meeting the following criteria:

1. The variance will not be contrary to the public interest because: There is reasonable space between the garage and the road, and granting this variance will have no impact on the public access to the road.

2. The spirit of the ordinance is observed because: All other setbacks are observed, the lakeside and boundary.

3. Substantial justice will be done because: The original buildings were razed due to asbestos contamination.

4. The variance would not diminish the value of surrounding properties because: Other properties will not be impacted, since the request only affects the applicant's property.

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: the granting of this variance will allow the applicant to build a new single-family home without affecting roadside access, vehicle navigation and pedestrian right of way.

   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: It does not impact access or impede pedestrian traffic.

   and

   b) the proposed use is a reasonable one because: Building a 30' x 40' structure on .26 acres while conforming to setbacks is difficult.

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 3/25/28 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. Obtain NHDES Shoreline permit.

Second: M. Mastenbrook
Vote: All in favor, motion carried. (4/0)

Abutter's Hearing – Edward Trethewey: Applicant is proposing to remove existing 8'x 36' travel trailer with a 11'x 36' park model trailer and is requesting the following relief:

- A Variance from Article 4 of the Wetland Ordinance to place the park model trailer closer (20.8' where 50' is required) to public waters than allowed.
- A Variance from Article 8 Section B.F of the Zoning Ordinance to place the park model trailer closer (11.6' where 15 feet is required) to an unrelated structure than allowed.

- A Variance from Article 5 Table 2 of the Zoning Ordinance to place the park model trailer closer (11.9’ where 12.5’ is required) to the rear lot line.

Property is located at 21 Dolphin Drive, Tax Lot 117-015-000-113, in the Residential Single Zone. ZBA cases 04-26Z, 05-26Z, & 06-26Z

Current Considerations:
The application meets the criteria for granting a Variance
Property is partially located within the Aquifer Protection District.

DEVELOPMENT OF REGIONAL IMPACT
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: D. Silcock
Vote: All in favor, motion carried. (4/0)

Departmental Responses:
Fire: .....No concerns.
Police: .....No concerns.
Public Works/Water/Sewer: .....No concerns.
Town Administrator: ..... No concerns.
Building/Code Enforcement Officer: .....No concerns
Conservation Commission ..... ……. No concerns.
Assessing: .....No concerns.
Land Use Technician:
The Base Flood Elevation (BFE) at this location on Lake Winnisquam is 484.9 NAVD88. A small portion of the site is in the Flood Hazard Zone. The majority of the site appears to be above the BFE. The proposed concrete pad elevation is 485.5 NAVD88.

Ed Trethewey was present to discuss his application. He stated that currently there are several structures on the lot, and he intends to remove the existing travel trailer, install a park model and reconstruct the porch and deck. He stated that what he is proposing will be more conforming by reducing the overall footprint of the primary structure.

Staff Comments:
Applicant is proposing to remove existing 8’x 36’ travel trailer and replace with a 11’x36’ park model trailer.

PUBLIC HEARING
Chairman Harris opened the public hearing. There was no public comment.

FINAL APPROVAL
MOTION: D. Silcock moved to grant a Variance from Article 4 of the Wetland Ordinance to place the park model trailer closer (20.8' where 50' is required) to public waters than allowed, based on meeting the following criteria:

1. The variance will not be contrary to the public interest because: The proposed must not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. This proposal does neither.

2. The spirit of the ordinance is observed because: The proposed must not conflict with the explicit or implicit purpose of the ordinance. The proposed must not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. This proposal does neither.

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. Denying this variance would be a loss to the applicant with no gains to the general public.

4. The variance would not diminish the value of surrounding properties because: The proposal will not diminish the surrounding property values, rather it will improve the surrounding property values because it is replacing old structures with new and updated structures.

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 hardship of this property is that the structures on this property are very old, and the lot is very small. Replacing the aging structures will add value to the surrounding properties.

6. 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 3/25/28 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: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

FINAL APPROVAL

MOTION: D. Silcock moved to grant a Variance from Article 8 Section B.F of the Zoning Ordinance to place the park model trailer closer (11.6' where 15 feet is required) to an unrelated structure than allowed, based on meeting the following criteria:

1. The variance will not be contrary to the public interest because: The proposed must not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. This proposal does neither.

2. The spirit of the ordinance is observed because: The proposed must not conflict with the explicit or implicit purpose of the ordinance. The proposed must not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. This proposal does neither.
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. Denying this variance would be a loss to the applicant with no gains to the general public.

4. The variance would not diminish the value of surrounding properties because: The proposal will not diminish the surrounding property values, rather it will improve the surrounding property values because it is replacing old structures with new and updated structures.

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 hardship of this property is that the structures on this property are very old, and the lot is very small. Replacing the aging structures will add value to the surrounding properties.

6. 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 3/25/28 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: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

FINAL APPROVAL

MOTION: D. Silcock moved to grant a Variance from Article 5 Table 2 of the Zoning Ordinance to place the park model trailer closer (11.9' where 12.5' is required) to the rear lot line, based on meeting the following criteria:

1. The variance will not be contrary to the public interest because: The proposed must not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. This proposal does neither.

2. The spirit of the ordinance is observed because: The proposed must not conflict with the explicit or implicit purpose of the ordinance. The proposed must not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. This proposal does neither.

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. Denying this variance would be a loss to the applicant with no gains to the general public.

4. The variance would not diminish the value of surrounding properties because: The proposal will not diminish the surrounding property values, rather it will improve the surrounding property values because it is replacing old structures with new and updated structures.

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 hardship of this property is that the structures on this property are very old, and the lot is very small. Replacing the aging structures will add value to the surrounding properties.

6. 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 3/25/28 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: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

Abutter's Hearing – Brian and Kristen Walker: Applicant is proposing to remove and replace the existing single-family home with a single-family home with attached garage and is requesting the following relief:

Three Variances from Article 4 of the Wetland Ordinance (Setback from Public Waters)

- Garage: 19.9' where 50' is required
- Northside: 23.9' where 50' is required
- Westside: 40.7' where 50' is required

One Variance from Article 5 Table 2 (Setbacks from Side Lot Line)

- Southside: 9.5’ where 12.5’ is required.

Property is located at 116 Tucker Shore Road, Tax Lot 107-024-000-000, in the Residential Single Zone. ZBA Cases # 07-26Z, 08-26Z, 09-26Z & 10-26Z.

Brett Allard, Esq. from Shaughnessy Allard, PLLC. And Brian Walker were present to discuss their application. B. Allard stated that the applicants are proposing to remove and replace the existing single-family home with a single-family home with attached garage. The lot is approximately .36 acres, situated in the Residential Single-family zone on the peninsula at the westerly end of Tucker Shore Road. The property has 63 feet of shoreline frontage along Lake Winnisquam to the west and 154 feet of shoreline frontage along the Lake Winnisquam inlet to the North. The lot lacks frontage on Tucker Shore Road and is served by a driveway easement over the easterly abutting parcel. The property is served by a private well and municipal water. The existing single-family home is shown on the Town’s tax cards to have been built in 1952, but the actual infrastructure suggests that it may have been an older camp built on piers that was converted to a seasonal dwelling. As a result of the age of the home and this phased development, the dwelling is well past it’s useful such that further maintenance and repair are not feasible. The applicant is proposing to remove the existing dwelling and construct a new year-round single-family home with an attached garage and improved driveway, porous paver patio and walkways.

Current Considerations:
The application meets the criteria for granting a Variance.
Property is located within 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: P. Harris moved that the proposal does not have a potential regional impact.
Second: M. Mastenbrook
Vote: All in favor, motion carried. (4/0)

Departmental Responses:
Fire: .....No concerns.
Police: .....No concerns.
Public Works/Water/Sewer: .....No concerns.
Town Administrator: ..... No concerns.
Building/Code Enforcement Officer: .....No concerns
Conservation Commission:
The Belmont Conservation Commission would recommend a shoreline vegetated buffer be implemented between the house, patio and firepit and the lakeshore.

Installation of this vegetated buffer is intended to extend the natural function and the NHDES regulatory guidelines already pertaining to the existing northerly woods buffer to enhance the protection of water quality by capturing excess nutrients transported by runoff from the lawn and patio, stabilize the shoreline to reduce erosion, and create a natural barrier to deter waterfowl which are known to degrade water quality, leading to harmful algal blooms such as Cyanobacteria.

We also would recommend a low to no impact buffer around the 16-inch maple located in the area of construction to protect roots from compaction, excavation and storm water. If this tree is not protected and ends up being removed it would only leave one tree within approximately 60 ft of the shoreland.

Assessing: .....No concerns.

Land Use Technician:

The project is located in the Residential - Single Family Zone (R-SF) and Aquifer Protection Overlay District on a pre-existing, non-conforming, 0.36-acre parcel.

The proposed house and garage are approximately twice as large as the existing house. The allowable percent of lot coverage is 60% in the R-SF Zone. The proposed development covers approximately 30% of the lot.

The entire property is in the FEMA Flood Hazard Zone. The Base Flood Elevation (BFE) at this location on Lake Winnisquam is 484.9 referenced to the North American Vertical Datum of 1988 (NAVD88). The existing grade at the proposed house location is 484.0, nine-tenths of a foot (-0.9) below the Base Flood Elevation. This is more than a foot lower than the first-floor elevation of the existing building. As a result, the proposed construction must meet all the applicable requirements of the National Flood Insurance Program. For example, a basement or crawl space below the first floor living space may not be allowed unless it meets specific design criteria.

The principal concern with this application, besides the flood hazard issue, is the proximity to the lake on the northside (23.9-ft), to the garage (19.9-ft) and the 9.5-ft distance to the property line on the south side where the setback has already been reduced by half (25-ft to 12.5-ft) because this is a non-conforming lot.

Staff Comments:

Applicant is proposing to remove and replace the existing single-family home with a single-family home with attached garage. Due to the location of the lot, four variances are required.

PUBLIC HEARING

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

FINAL APPROVAL

MOTION: M. Mastenbrook moved to grant a variance to Article 4 of the Wetland Ordinance (Setback from Public Waters) to allow building a garage closer to public waters than is allowed: 19.9’ where 50’ is required, based on meeting 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 because the property will remain consistent with the single-family residential character of the area.

2. The spirit of the ordinance is observed because: It does not alter the essential character of the neighborhood because the property will remain consistent with the single-family residential character of the area.

3. Substantial justice will be done because: There is no injury to the public if the variances are granted because it will allow the applicant to realize reasonable property rights without harming abutters or developing the property in a manner out of character with other residences in the neighborhood.

4. The variance would not diminish the value of surrounding properties because: The proposal is in harmony with the neighborhood. The proposal will benefit the surrounding property values because the property will be completely revitalized.

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: This lot sits at the end of the peninsula and is surrounded by Lake Winnisquam. Unlike most parcels in the area, this parcel has no frontage on Tucker Shore Road.

6. 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 3/25/28 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. Conservation recommends a fire buffer around the fire pit.

    Second: D. Silcock
    Vote: All in favor, motion carried. (4/0)

FINAL APPROVAL

MOTION: M. Mastenbrook moved to grant a variance to Article 4 of the Wetland Ordinance (Setback from Public Waters) to allow building a home closer to public waters than is allowed: 40.7’ (on the Westside) where 50’ is required, based on meeting 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 because the property will remain consistent with the single-family residential character of the area.

2. The spirit of the ordinance is observed because: It does not alter the essential character of the neighborhood because the property will remain consistent with the single-family residential character of the area.

3. Substantial justice will be done because: There is no injury to the public if the variances are granted because it will allow the applicant to realize reasonable property rights without harming abutters or developing the property in a manner out of character with other residences in the neighborhood.

4. The variance would not diminish the value of surrounding properties because: The proposal is in harmony with the neighborhood. The proposal will benefit the surrounding property values because the property will be completely revitalized.

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:

    b) 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: This lot sits at the end of the peninsula and is surrounded by Lake Winnisquam. Unlike most parcels in the area, this parcel has no frontage on Tucker Shore Road.

6. 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 3/25/28 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. Conservation recommends a fire buffer around the fire pit.

    Second: D. Silcock
    Vote: All in favor, motion carried. (4/0)

FINAL APPROVAL

MOTION: M. Mastenbrook moved to grant a variance to Article 4 of the Wetland Ordinance (Setback from Public Waters) to allow building a home closer to public waters than is allowed: 23.9’ (on the Northside) where 50’ is required, based on meeting 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 because the property will remain consistent with the single-family residential character of the area.

2. The spirit of the ordinance is observed because: It does not alter the essential character of the neighborhood because the property will remain consistent with the single-family residential character of the area.

3. Substantial justice will be done because: There is no injury to the public if the variances are granted because it will allow the applicant to realize reasonable property rights without harming abutters or developing the property in a manner out of character with other residences in the neighborhood.

4. The variance would not diminish the value of surrounding properties because: The proposal is in harmony with the neighborhood. The proposal will benefit the surrounding property values because the property will be completely revitalized.

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: This lot sits at the end of the peninsula and is surrounded by Lake Winnisquam. Unlike most parcels in the area, this parcel has no frontage on Tucker Shore Road.

6. 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 3/25/28 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. Conservation recommends a fire buffer around the fire pit.

    Second: D. Silcock
    Vote: All in favor, motion carried. (4/0)

FINAL APPROVAL

MOTION: M. Mastenbrook moved to grant a variance to Article 5 Table 2 of the Zoning Ordinance (Setback from side lot line)) to allow building a home closer to the side lot line than is allowed: 9.5’ where 12.5’ is required, based on meeting 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 because the property will remain consistent with the single-family residential character of the area.

2. The spirit of the ordinance is observed because: It does not alter the essential character of the neighborhood because the property will remain consistent with the single-family residential character of the area.

3. Substantial justice will be done because: There is no injury to the public if the variances are granted because it will allow the applicant to realize reasonable property rights without harming abutters or developing the property in a manner out of character with other residences in the neighborhood.

4. The variance would not diminish the value of surrounding properties because: The proposal is in harmony with the neighborhood. The proposal will benefit the surrounding property values because the property will be completely revitalized.

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:

    b) 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: This lot sits at the end of the peninsula and is surrounded by Lake Winnisquam. Unlike most parcels in the area, this parcel has no frontage on Tucker Shore Road.

6. 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 3/25/28 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. Conservation recommends a fire buffer around the fire pit.

    Second: D. Silcock
    Vote: All in favor, motion carried. (4/0)

Abutter's Hearing – Michael and Jennifer Grant: Applicant is proposing to construct a two-story addition (garage with laundry and bathroom) and is requesting the following relief:

- A variance from Article 5 Table 2 to construct the addition closer (11.0' where 12.5' is required) to the side lot line than allowed.
- A variance from Article 5 Table 2 to construct the addition closer (14.4' where 50' is required) to the front lot line than is allowed.

Property is located at 30 Bayview Drive, Tax Lot 115-009-000-000, in the Residential Single Zone. ZBA Cases #11-26Z & 12-26Z

Jessica Bailey was present to discuss this application. She stated that this project includes the new construction of a 24' x 28' attached garage, and the conversion of the existing gravel driveway to permeable pavement. This would reduce the overall lot coverage from 47% to 38.3%

Current Considerations:
The application meets the criteria for granting a Variance
Property is partially located within the Aquifer Protection District.

DEVELOPMENT OF REGIONAL IMPACT
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: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

Departmental Responses:
Fire: .....No concerns.
Police: .....No concerns.
Public Works/Water/Sewer: .....No concerns.
Town Administrator: ..... No concerns.
Building/Code Enforcement Officer: .....No concerns
Conservation Commission..... ……. No concerns.
Assessing: .....No concerns.
Land Use Technician:
The Base Flood Elevation (BFE) at this location on Lake Winnisquam is 484.9 NAVD88. A small portion of the site is in the Flood Hazard Zone. The majority of the site appears to be above the BFE. The finished floor elevation of the existing structure is 486.6 NAVD88. The site plan should include a finished floor elevation for the garage structure so that it is clear the improvement complies with current National Flood Insurance Program (NFIP) regulations.

Staff Comments:
Applicant is proposing to construct a two-story addition (garage with laundry and bathroom). Two variances are required.

PUBLIC HEARING
Chairman Harris opened the public hearing. There was no public comment.

FINAL APPROVAL
MOTION: D. Silcock moved to grant a variance from Article 5 Table 2 to construct the addition closer (11.0’ where 12.5’ is required) to the side lot line than allowed, based on meeting the following criteria:

1. The variance will not be contrary to the public interest because: The proposal does not alter the essential character of the neighborhood or threaten public safety or welfare.

2. The spirit of the ordinance is observed because: The proposal is very minimal and does not alter or change the essential character of the neighborhood.

3. Substantial justice will be done because: Granting the variance will allow the current owners to use their property for its intended use.

4. The variance would not diminish the value of surrounding properties because: Granting this variance will not diminish surrounding property values, rather it will increase 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: This property is a pre-existing, non-conforming lot of record, and is not located on a town owned or maintained road.

   and

   b) the proposed use is a reasonable one because: The property will continue to be a pre-existing, non-conforming lot, and is not changing the intended use.

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 3/25/28 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. Check with the local utility company to determine if the utility pole located in the front of the property needs to be relocated.

Second: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

FINAL APPROVAL

MOTION: D. Silcock moved to grant a variance from Article 5 Table 2 to construct the addition closer (11.0’ where 12.5’ is required) to the front lot line than allowed, based on meeting the following criteria:

1. The variance will not be contrary to the public interest because: The proposal does not alter the essential character of the neighborhood or threaten public safety or welfare.

2. The spirit of the ordinance is observed because: The proposal is very minimal and does not alter or change the essential character of the neighborhood.

3. Substantial justice will be done because: Granting the variance will allow the current owners to use their property for its intended use.

4. The variance would not diminish the value of surrounding properties because: Granting this variance will not diminish surrounding property values, rather it will increase 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: This property is a pre-existing, non-conforming lot of record, and is not located on a town owned or maintained road.

   and

   b) the proposed use is a reasonable one because: The property will continue to be a pre-existing, non-conforming lot, and is not changing the intended use.

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 3/25/28 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. Check with the local utility company to determine if the utility pole located in the front of the property needs to be relocated.

Second: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

Abutter's Hearing – Forest Stone, LLC: Applicant is requesting a Variance from Article 5 Table 2 - in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements, Property is located at 114 Ladd Hill Road, Tax Lot 206-008-000-000, in the Rural Zone. ZBA Case #13-26Z.

Nawaz Azam, the applicant, was present to discuss his application. He stated that he is seeking to subdivide his 17.98-acre lot into 10 lots. Because this lot is in the Rural Zone, he is asking for relief from the required 3-acre minimum lot size in order to create 10 lots from this parcel. He stated that he is hoping to build houses that will be more affordable, and he can only do that if he can make these lots smaller.

Current Considerations:
The application meets the criteria for granting a Variance
Property is partially located within 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: P. Harris moved that the proposal does not have a potential regional impact.
Second: M. Mastenbrook
Vote: All in favor, motion carried. (4/0)

Departmental Responses:
Fire: .....No concerns.
Police: .....No concerns.
Public Works/Water/Sewer: .....No concerns.
Town Administrator: ..... No concerns.
Building/Code Enforcement Officer: .....No concerns
Conservation Commission ..... ……. No concerns.
Assessing: .....No concerns.
Land Use Technician:
The proposal to develop a residential subdivision with 1.5 - 2.5 acre lots and 150-foot lot frontage is consistent with other nearby developments on Marilyn Drive, David Drive, Silkwood and Sunshine Drives, Cherry Street Manufactured Home Park and directly across Ladd Hill Road at the Lakeview Golf Course.
The subdivision lot configuration is somewhat problematic in regard to the geometry of the individual lots. Some of the lots appear to exceed the 4:1 ratio called out in the Subdivision Regulations, Section 9.B.1 Design Standards - A lot length shall not exceed 4 times the average width of the lot. In addition, the actual lot width shall not be reduced to less than the required frontage for a depth (from the closest edge of the road ROW or from the road access side property line) of 100', or for the entire depth of the lot, whichever is less.
Staff Comments:
Applicant is requesting a Variance from Article 5 Table 2 - in the Rural Zone to create lots in compliance with the Residential Single-Family Zone dimensional requirements, Property is located at 114 Ladd Hill Road in the Rural Zone.

PUBLIC HEARING
Chairman Harris opened the public hearing.

Bruce Carter, President of the Solar Village Association – B. Carter stated that his concerns are the traffic impact going around that corner. He stated that it was a terrible corner for accidents. He also is concerned

about putting an additional 10 leach fields on that hill. They have had problems with leach fields in that area in the past. They just put two houses across the street at the golf course. He stated that he has some concerns about the subsurface drainage capabilities. If they happen to blow out, its going to flow down to that trailer, and the house next to it. They had a hydrogeology study done on the entire hill. There is definitely a lot of subsurface water there. He stated that his last point was that he didn't see a hardship. He can get five or six houses in there and still meet the three-acre lot size. That makes more sense, because once he gets those house in there, the next developer will want to build that many.

Shannon Casey – She stated that she was raised on Ladd Hill. She stated that no one knows the hill better than her, as she rode the bus every day. When you come off of Ladd Hill, there are no houses that have three acres. There are no three acre lots on Marilynn Drive, or Lakeview. There might be one at the end of Davis Drive. Sunshine and Cherry Street, she grew up hanging out with all of those kids. They have very small lots. Diane Drive is all under three acres. She stated that she understands that zoning laws change over time. If you look at the tax maps for this area, there are very few lots that are 3 acres. She stated that this is reason enough to reconsider changing these lots. It is consistent for the area, it's actually consistent with the character of the neighborhood to have these lot sizes. She went through every lot on this street, and when you actually look at what is there, none of them are three acres. The proposed lots are actually bigger than a lot of the lots in the area. Even the new construction across the street. This would increase the tax base in Belmont. This woold encourage growth in Belmont. There are a lot of people moving out of Belmont for financial reasons. As a realtor she gets a lot of those calls. Any developer that is willing and wants to do a project in Belmont should be embraced. She feels that a lot of developers avoid Belmont for that reason.

M. Mastenbrook stated that when he drives around Ladd Hill, he notices that there aren't many 3 acre lots. This is zoned Rural. He wondered if this was zoned Rural because of the farms that were in the general area? P. Harris stated that it was. M. Mastenbrook stated that he doesn't know how there is a hardship here. In reality, he is for this because he doesn't believe that three acres loots are necessary. If you have an acre and a half, that is sufficient. But he just doesn't know how they get there without a hardship. Maybe the Planning Board can help? K. Santoro stated it would have to be on the warrant to change the zone.

Dennis Grimes – He stated that he used to be on the Planning Board. All of those houses that the last abutter spoke of were pre-existing before zoning was adopted. Anything after zoning has to be to the standard to what the zoning is. If he built a house in 1970 on a half-acre lot, there was no zoning to stop him. Once zoning comes in, they have to live by new standards. That doesn't mean they can't build something or get an approval for clustered housing, that would have to go through the Planning Board. In order to change the zoning of a lot, you'll have to go in front of the town and put it on a warrant. The concern that he has is all of the water and how wet that land is. That land is also within the 500-foot radius of the existing sewer line. It also falls into the extension of the sewer is required in order to build houses.

M. Mastenbrook stated that he just doesn't know how to find a hardship. Mr. Grimes laid it out pretty well for the applicant. He can put it on a warrant and ask the town to decide. But he just cannot find a hardship here.

Chairman Harris closed the public hearing.

FINAL MOTION

MOTION: M. Mastenbrook moved to deny without prejudice, this request for a variance to Article 5 Table 2 - in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements for the following reasons:

1. The variance will not be contrary to the public interest because: it doesn't alter the essential character of the neighborhood.

2. The spirit of the ordinance is observed because: it doesn't alter the essential character of the neighborhood.

3. Substantial justice will be done because: The use will not create general harm to the public or any other individuals.

4. The variance would not diminish the value of surrounding properties because: It will only enhance it because they will be building new houses.

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: The applicant cannot establish special conditions of the property to cause it to be unreasonable. The use would be altered against the Town's current zoning. The proposed use is a reasonable one because: The special conditions are not met, and at this point they must deny this request for relief.

Second: S. Bouthiette
Vote: All in favor, motion carried. (4/0)

Minutes of February 25, 2026

MOTION: M. Mastenbrook moved to approve the minutes of February 25, 2026, as written
Second: D. Silcock
Vote: All in favor, motion carried. (4/0)

Staff Report

Dennis Grimes was present to be appointed as an alternate to the Zoning Board.

MOTION: D. Silcock moved to appoint Dennis Grimes as an alternate to the Zoning Board through 2027.
Second: M. Mastenbrook
Vote: All in favor, motion carried. (4/0)

ADJOURNMENT

MOTION: M. Mastenbrook moved to adjourn at 8:09 PM
Second: D. Silcock
Vote: All in favor, motion carried. (4/0)

Respectfully Submitted,

Susan M. Austin
Land Use Assistant