



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, July 27, 2022
Belmont Mill
Belmont, NH 03220

Members Present: Vice Chair Norma Patten; Members Mark Mastenbrook, David Dunham and Sharon Ciampi.
Members Absent: Chairman Peter Harris (E).
Alternates Present: John Froumy
Staff: Elaine Murphy and Sarah Whearty.

The Vice Chairman opened the meeting at 6:03 pm and welcomed those in attendance and appointed J. Froumy as a voting member for tonight's meeting. She announced, as Vice Chairman of the Belmont Zoning Board of Adjustment, this public body is authorized to meet using electronic means. She said that the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and she 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.

BOARD'S ACTION -MINUTES:

MOTION: On a motion by M. Mastenbrook, seconded by D. Dunham it was voted unanimously to accept the minutes of June 22, 2022 with the following amendments:

First page last paragraph third sentence should be "to the west there is a knoll with visibility of 6 to 7 seconds."

Fourth sentence should be "This is a 50mph zone and that is a distance of about 500'. At 50 mph the stopping distance is 130'-140'".

The motion carried (5-0).

DELIBERATIVE SESSION - TRADZ LLC: Continuation to complete the motion for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow motor vehicles sales and repairs in the "R" Zone. Property is located at 194 Gilmanton Road, Tax Lot 241-019-000-000, ZBA #1622Z. (No additional Public input)

The vice chairman stated that this is a Deliberative Session and there will be no input from the public.

J. Froumy stated he has done some investigating into how to proceed with this application and there are two ways to approach the situation when someone withdraws their application while the motion is in progress. This is an administrative clarification to close out the application correctly. The Board can accept the applicant's withdrawal or continue with the motion. The applicant has the right to withdraw. The Public Hearing was closed however, the motion was started, the Board would have needed to make the motion to accept the withdrawal. Staff had a discussion with counsel and their opinion is once the hearing and motion has begun a closure motion must be executed. The application cannot be tabled. If the Board accepts the withdrawal the applicant can proceed with the same application. If the Board denies the application the applicant cannot come back with a new application unless it addresses the issues that caused the denial.

S. Whearty explained that the public hearing was closed at the last meeting and no new information or comments can be accepted from the applicant or the public. She also clarified that the applicant cannot resubmit the same application without something new. The Board can deny without prejudice or accept the applicant's withdrawal. Denying opens the door for the applicant to make significant changes.

S. Ciampi wanted to know if the applicant can appeal. J. Froumy stated they cannot appeal the withdrawal but they can appeal a denial.

M. Mastenbrook stated they withdrew and the simplest way to proceed is to accept the withdrawal. S. Ciampi stated there was a motion on the floor and the safest way is to continue the motion. D. Dunham stated he agrees with S. Ciampi.

MOTION: J. Froumy moved to deny without prejudice the Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow motor vehicles sales and repairs in the "R" Zone for the following reasons.

1. The proposal is specifically authorized as a Special Exception by the Ordinance.
2. The Special Exception criteria set forth in Ordinance Article 13.F. does not apply.
3. The proposal is incompatible to other uses in the area through the creation of noise; the nature, time, and degree of which is uncharacteristic of the rural area in which it occurs. In doing so, the proposal interferes with and denies the rights of other property owners in the area.
4. The proposed location is of adequate size.
5. The proposal does create undue traffic congestion and unduly impair vehicular or pedestrian safety. It creates undue traffic congestion and flow, specifically the need for vehicles servicing the proposed business. Vehicles cross into lanes of oncoming traffic, travel and drive backward in the left lane of traffic, and park vehicles with large trailers near curves in the road and where the shoulder has limited room for parking.
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 nor will there be any significant increase in stormwater runoff.
7. The proposal does not create excessive demand for municipal services and facilities.
8. The proposal does create a likely hazard to public safety as witnessed in videos submitted by nearby residents. The video shows the need for vehicles entering the

applicant's property to use the wrong side of the road to back up into oncoming traffic and to park in locations that expose them and the public to danger.

The motion was seconded by D. Dunham and carried. (4-1) M. Mastenbrook opposed.

ABUTTERS HEARING – ROBERT & KAREN BEAUDET: Request for a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a house closer (37.1') to the front property line than allowed (50'). Property is located on Sargent Lake Road in the "R" Zone, Tax Lot 238-021-000-000, ZBA #2422Z.

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

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact.

The motion was seconded by S. Ciampi and carried. (5-0)

Mr. Bryan Bailey was present for this application and submitted new plans that reflect the changes as noted in the staff report.

Mr. Bailey explained this is a small vacant lot that they want to build a 24' x 46' two-bedroom single-family residence on. There is an on-site well and septic. The setbacks from the lake and road make the envelope to build on too small to do anything on. In order not to upset the environment they are maintaining the 50' setback to the lake and are meeting the side setbacks. The front setbacks will be 37.1' instead of the 50' requirement.

Mr. Bailey stated the variance will not be contrary to the public interest because the lot is a legal nonconforming lot. Most homes along Sargent Lake Road have all been placed in the front setback.

The spirit of the ordinance is observed because the proposed house has been set 37.1' from the front ROW. The spirit of the ordinance relates to the placement of the house in relations to the lake. In order to maintain compliance with the shoreland setback and construct a reasonable size house this relief is needed.

Substantial justice will be done because legal nonconforming lots are inherently difficult to develop and, in this case, a compliant home would need to be no larger than 14' x 50' which is the size of a manufactured home.

The variance would not diminish the value of surrounding properties because all the homes on Sargent Lake Road are in a similar situation. Many of the homes were built on nonconforming lots and close to the front property line.

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 small lake lots have historically been in close proximity to the front setbacks. Sargent Lake Road is a dead-end road that has little traffic on it.

The proposed use is a reasonable one because a reasonable size house, 24' x 46' has been proposed. The side and shoreland setbacks have been met to protect the environment.

M. Mastenbrook stated he appreciates them maintaining the setbacks off the lake and the applicant coming up with a solution to do that.

J. Froumy wanted to know the circumstances of the 2004 variance denial. S. Whearty explained the application was for a single-family home closer 37.9' to the front property line and 42.7' to the highwater mark. This application is different because they needed two variances instead of one. The denial was based on no unnecessary hardship because there was a buildable area. The applicant could achieve the same benefit by some other method. Mr. Bailey stated the definition of hardship has changed since 2004.

The Vice Chairman opened the hearing to public comment.

Ms. Kristina LaPlante, 58 Sargent Lake Road, stated she is the lot next to them and in 2003 they had to get a variance because their lot was too small.

There being no further questions or comments the Vice Chairman closed the public hearing.

BOARD ACTION – ROBERT & KAREN BEAUDET:

MOTION: J. Froumy moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a house closer (37.1') to the front property line than allowed (50') as it meets the following criteria.

1. The Variance will not be contrary to the public interest because it does not change the character of the neighborhood. The application is for a single-family residence that is compatible with others in the area. The proposal does not injure health, safety, or public rights.
2. The spirit of the ordinance is observed because it does not change the character of the neighborhood. The application is for a single-family residence that is compatible with others in the area. No safety issues are created.
3. Substantial justice will be done because any loss to the individual which is not outweighed by a gain to the general public is an injustice.

4. The Variance would not diminish the value of surrounding properties because most single-family residences in the area are closer to the road. The new house will perhaps enhance 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 the property cannot be used in strict adherence with the Ordinance due to the high-water mark and front setback requirements. It is not the intent of the Ordinance to prevent reasonable use of the property.
and
 - b. the proposed use is a reasonable one because it is a single-family residence in a residential single-family zone surrounded by single-family residences.

Additional 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. Approval expires on 7/27/24 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.
4. A Certified Foundation Plan, showing the setbacks, signed by a Licensed Land Surveyor should be submitted to the Land Use Office before framing begins.
5. Applicant shall sign a Waiver of Municipal Liability for constructing a home on a private road with Emergency Lane status. Applicant shall submit the necessary recording fee to the Land Use Office for recording at the BCRD. The Waiver shall be signed and recorded before a Certificate of Occupancy is granted.

The motion was seconded by M. Mastenbrook and carried. (5-0)

ABUTTERS HEARING – KEVIN & SHELLEY FAY TRUST: Request for:

- A. A Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow an Accessory Dwelling Unit in the “RS” Zone. ZBA #2522Z.
- B. A Variance of Article 5 Table 2 of the Zoning Ordinance to add a second floor closer (17.3’) to the front property line than allowed (50’). ZBA #2622Z.

Property is located at 113 Tucker Shore Road, Tax Lot 107-018-000-000.

Mr. Kevin Fay was present for this application. An abutting neighbor handed S. Whearty a letter in support of the proposal. The three members that viewed the site were: N. Patten, D. Dunham, M. Mastenbrook, J. Froumy and S. Ciampi.

M. Mastenbrook asked S. Whearty if there was a change in the ordinance that may have affected the circumstances that would allow the applicant to come back to the Board. He knows that ADU don’t have to be attached now but the setback hasn’t changed. S. Whearty stated that she has read the minutes and the majority of concerns were about a possible ADU in the garage. It also differs

in that they needed two Variances and now they need one Variance and one Special Exception. S. Ciampi stated that the first case was prior to the elections so she did not hear the original application.

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact. The motion was seconded by J. Froumy and carried. (5-0)

Mr. Fay explained that he wants an Accessory Dwelling Unit (ADU) for his mother. He is maintaining the existing footprint and parking. There will be a total of three bedrooms, the ADU will have one bedroom, an office, bathroom and living room. The stairs accessing the ADU will be inside the garage. The garage is 24' x 24' with the ADU on the second floor.

S. Ciampi wanted to know the distance from the house to the garage. Mr. Fay stated it is about 14'. The main house is a log cabin that is why they cannot connect the garage and house.

M. Mastenbrook wanted to know if there are two egresses from the apartment. Mr. Fay stated they have two separate doors. There is the main door into the garage and the upstairs has a slider. M. Mastenbrook also wanted to know about the parking situation and if they will be parking a car inside the garage. Mr. Fay explained that one car will park inside and there will be five outside parking spaces. N. Patten clarified that the steps will be inside the garage. J. Froumy stated an emergency entrance will be the slider with rails.

The Vice Chairman opened the hearing to public comment. S. Whearty read the letter that the abutters submitted stating the property owners at the end of Tucker Shore Road want to go on record that the Fay's have never parked cars in the road. They have always had cars parked only on their property and have never restricted access to other's property. The letter was signed by 5 residents on Tucker Shore Road. M. Mastenbrook stated it is tight in that area.

There being no further questions or comments the Vice Chairman closed the public hearing.

J. Froumy explained that the first time the applicant was before the Board he was concerned with the water and bathroom proposed in the garage that it would be used to entertain guest on weekends and the number of people that would be using the site. The applicant is now asking for an ADU for his mother which is allowed by Special Exception. S. Ciampi stated the Variance is to lift the roof. Why would they deny the footprint that was granted in 1996. M. Mastenbrook stated they denied it the last time because the applicant was trying to put plumbing in above the garage. If the second story was for a game room it would have been ok but they wanted to put in plumbing and a bathroom and use it for overnight guest.

BOARD ACTION – KEVIN & SHELLEY FAY TRUST:

MOTION: M. Mastenbrook moved to grant a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow an Accessory Dwelling Unit in the "RS" Zone as it meets the following criteria.

1. The proposal is specifically authorized as a Special Exception by the ordinance.
2. The Special Exception criteria set forth in Ordinance Article 13.F. does not apply.

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. A Special Exception is required for an ADU in the residential single-family zone. The proposal is compatible with others in the area.
4. The proposed location is of adequate size. The ADU is not larger than the existing garage and the footprint will remain the unchanged.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. The proposal is on a dead-end street. The Fire Department can get down the street and there is only one house past the applicant's house, there are no safety issues.
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. The services are already on site. They are adding only bedroom and it will have minimal impact.
7. The proposal does not create excessive demand for municipal services and facilities. They are using the same footprint. The lot is serviced by municipal sewer and a private well.
8. The proposal does not create hazards to the health, safety, or general welfare of the public. The traffic will remain the same and there is no increase in footprint.

Additional 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 approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 7/27/24 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.

The motion was seconded by S. Ciampi and carried. (5-0)

MOTION: J. Froumy moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to add a second floor closer (17.3') to the front property line than allowed (50') as it meets the following criteria.

1. The Variance will not be contrary to the public interest because the purpose of the property remains the same. The essential character is not changed. They are only raising the roof by 1'. There are no hazards to the health, safety, or general welfare of the area.
2. The spirit of the ordinance is observed because the purpose of the property remains the same. The essential character is not changed. They are only raising the roof by 1'. There are no hazards to the health, safety, or general welfare of the area.
3. Substantial justice will be done because any loss to the individual which is not outweighed by a gain to the general public is an injustice.
4. The Variance would not diminish the value of surrounding properties because the construction is transparent. The abutters are not affected one way or the other.

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 there are no dimensional changes being requested so there is no reason to deny the proposal.and
 - b. the proposed use is a reasonable one because no dimensional changes are being made.

Additional conditions:

1. All decks, steps, landings & stairs must be shown on the building permit application and no other structures or additions (incl. decks, porches, landings, etc.) that do not meet setback are allowed by this approval.
2. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
3. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
4. Approval expires on 7/27/2024 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.

The motion was seconded by D. Dunham and carried. (5-0)

The Board took a short break from 7:25 to 7:38.

ABUTTERS HEARING – JOHN & DEBORAH WESSLING: Request for a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a shed closer (7') to the side property line than allowed (12.5'). Property is located at 104 Elaine Drive in the "RS" Zone, Tax Lot 107-101-000-000, ZBA # 2722Z.

Mr. & Mrs. John Wessling were present for this application.

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact.

The motion was seconded by S. Ciampi and carried. (5-0)

Mr. John Wessling stated the shed is 7' from the property line. J. Froumy wanted to know what is happening to the existing shed and how far is it from the new shed. Mr. Wessling stated he wants to leave the existing shed where it is and he doesn't know how far it is between the sheds. He also doesn't know how far the existing shed is from the property line but it is closer than the new one. J. Froumy clarified they are not replacing the existing shed. The Board discussed that the existing shed needs to be shown on the plan. S. Ciampi stated the pylons are closer than the existing shed but a variance for it was granted to the former owner. M. Mastenbrook wanted to know why the pylons are in. Mr.

Wessling stated he didn't know he needed a building permit and when he found out he went to the Town for a building permit.

J. Froumy wanted to know why the shed is important. Mr. Wessling stated the house is small, about 1,000sf on a slab and the attic has trusses. He has a lot of water items and maintenance equipment. S. Ciampi wanted to know if they live there year-round. Mr. Wessling stated he does. J. Froumy wanted to know if it was a seasonal home in the past. Mr. Wessling stated it is well insulated so he doesn't think so. J. Froumy stated if it is intended for full time residence, they need a reasonable amount of storage. The Variance hardship is not a hardship on the owner but the property itself that makes it difficult use. They are full time residents with non-existing storage space. The storage shed is reasonable for a small house that is 1,000sf. The average house is around 1,800sf. N. Patten stated the hardship is there is no storage anywhere because of the size of the house.

There was discussion about getting rid of the existing shed or moving the new one. S. Whearty explained that if they move the shed there is no place on the property to locate the shed that would not need a variance. J. Froumy stated the shed is not attached to the house. Mr. Wessling stated that it wouldn't work because of the roofline and the walls. N. Patten stated it would block two windows and the new shed is close to the house.

Mr. Wessling stated there are a lot of sheds in the neighborhood.

The Vice Chairman opened the hearing to public comment. There being no questions or comments the Vice Chairman closed the public hearing.

BOARD ACTION – JOHN & DEBORAH WESSLING:

MOTION: S. Ciampi moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a shed closer (7') to the side property line than allowed (12.5') as it meets the following criteria.

1. The Variance will not be contrary to the public interest because it is a small nonconforming lot. The proposal will not alter the space or character of the neighborhood.
2. The spirit of the ordinance is observed because the proposal is similar in appearance to most of the lots in the neighborhood. There are no health safety or welfare dangers. Granting a Variance to this size-limited lot will not cause a danger to the public.
3. Substantial justice will be done because denial would place an unfair burden on the applicant that is not outweighed by the gain to the public. The applicant should be able to use the residential lot for a residential use.
4. The Variance would not diminish the value of surrounding properties because the proposal is in line with the character of the neighborhood as most homes have one or more outbuildings of varying characteristics. The value of surrounding properties will increase with the addition of the new unit.
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 was originally subdivided to create a lake community with small lots.
- and
- b. the proposed use is a reasonable one because the application of dimensional requirements prevents lot development. The development and use of residential property in a residential area is reasonable.

Additional conditions:

1. No other structures or additions (incl. decks, porches, landings, etc.) that do not meet setback are allowed by this approval. This relief applies to the shed only. The future projects shown on the plan will require additional relief and permitting.
2. The existing shed shall be shown on the plan or removed.
3. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
4. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
5. Approval expires on 7/27/24 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.

The motion was seconded by J. Froumy and carried. (5-0)

ABUTTERS HEARING – JAMES SOLLOWAY FOR WINNISQUAM BEACH CAMPGROUND ASSOCIATION: Request for:

- A. A Variance of Article 8.B.9 of the Zoning Ordinance to replace a travel trailer with a park model closer (11.1') to an interior road than allowed (15'). ZBA # 2822Z.
- B. A Variance of Article 8.B.9 of the Zoning Ordinance to construct a deck closer (1.66') to the interior road than allowed (15'). ZBA #2922Z.
- C. A Variance of Article 5 Table 2 of the Zoning Ordinance to replace a travel trailer with a park model closer (11.56') to the property line than allowed (12.5'). ZBA #3022Z.
- D. A Special Exception of Article 8.B.9.f.(1).(b) to replace a travel trailer with a park model closer (11.51') to an unrelated structured than allowed (15') but not closer than the existing structure (11.05). ZBA #3122Z.

Property is located at 19 Dolphin Drive in the "RS" Zone, Tax Lot 117-015-000-114.

Mr. Bryan Bailey and Mr. Solloway were present for this application. The members that viewed the site were: N. Patten, D. Dunham, M. Mastenbrook, J. Froumy

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact.

The motion was seconded by S. Ciampi and carried. (5-0)

Mr. Bryan Bailey presented the Board with a set of revised plans that eliminated the need for a Variance of Article 5 Table 2 of the Zoning Ordinance to replace a travel trailer with a park model

closer (11.56') to the property line than allowed (12.5'). They change the layout of the platform and made it smaller. Originally, they held the alignment with the existing travel trailer but changed it because of the comments they received from the railroad.

The campsite is located at 19 Dolphin Drive and currently has an 8' x 35' RV. They are proposing moving and replacing the current RV with a new 11.4' x 34.2' RV.

The Variance will not be contrary to the public interest because the public can see the unit from the water but there is no significant visual impact from the water.

The spirit of the ordinance is observed because no noxious or deleterious uses are proposed.

Substantial justice will be done because dozens of similar actions have been granted by the ZBA for units in Winnisquam Beach Association.

The Variance would not diminish the value of surrounding properties because surrounding units are RVs. By allowing the Variances the overall value can increase.

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 ordinance and this zone is aimed squarely at the typical "stick built" single family home. The campground is an allowed use.

The proposed use is a reasonable one because there are 140 units in the campground that are in similar situations.

D. Dunham stated that if they meet the railroad and road setback they would have about 5' to build things. He stated two units back has a tile deck that goes to the road. Mr. Bailey stated there are no permanent residents allowed in the Association.

M. Mastenbrook wanted to know where the propane tanks are going. Mr. Solloway stated their unit is all electric, there will be no plumbed propane to the unit. The only propane on site will be for his gas grill.

The Vice Chairman opened the hearing to public comment. There being no questions or comments the Vice Chairman closed the public hearing.

BOARD ACTION – JAMES SOLLOWAY FOR WINNISQUAM BEACH CAMPGROUND ASSOCIATION:

MOTION: J. Froumy moved to grant a Variance of Article 8.B.9 of the Zoning Ordinance to replace a travel trailer with a park model closer (11.4') to an interior road than allowed (15') as it meets the following criteria.

1. The Variance will not be contrary to the public interest because it is not incompatible with other uses in the area, this is a campground. It will not injure the public rights of others. There is no visible impact from the water and no traffic passes the site.

2. The spirit of the ordinance is observed because it is not incompatible with other uses in the area, this is a campground. It will not injure the public rights of others. There is no visible impact from the water and no traffic passes the site.
3. Substantial justice will be done because any loss to the individual which is not outweighed by a gain to the general public is an injustice.
4. The Variance would not diminish the value of surrounding properties because this is in a campground with other RVs. There are numerous other RVs that are similar to this. It may enhance 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 the entire campground is different from other properties which is reflected in the tight setbacks. This is a seasonal, residential property.

and

 - b. the proposed use is a reasonable one because this is a seasonal, residential use.

Additional conditions:

1. No other structures or additions (incl. decks, porches, landings, etc.) that do not meet setback are allowed by this approval.
2. For reduced setbacks between structures, no fuel source or accessory structure shall be placed between the structures.
3. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
4. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
5. Approval expires on 7/27/24 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.
6. Submit final plan sets (3 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Make the following changes/corrections:
 - a. Correct the missing information in the title block. (Land of, Located at, etc.)
 - b. Correct WBCG UOA address (10A Grey Rocks Road, Belmont, NH)
 - c. Correct setback modifications as discussed.

The motion was seconded by M. Mastenbrook and carried. (5-0)

MOTION: J. Froumy moved to grant a Variance of Article 8.B.9 of the Zoning Ordinance to construct a deck closer (4') to the interior road than allowed (15') as it meets the following criteria.

1. The Variance will not be contrary to the public interest because it is not incompatible with other uses in the area, this is a campground. It will not injure the public rights of others. There is no visible impact from the water and no traffic passes the site.

2. The spirit of the ordinance is observed because it is not incompatible with other uses in the area, this is a campground. It will not injure the public rights of others. There is no visible impact from the water and no traffic passes the site.
3. Substantial justice will be done because any loss to the individual which is not outweighed by a gain to the general public is an injustice.
4. The Variance would not diminish the value of surrounding properties because this is in a campground with other RVs. There are numerous other RVs that are similar to this. It may enhance 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 the entire campground is different from other properties which is reflected in the tight setbacks. This is a seasonal, residential property.

and

 - b. the proposed use is a reasonable one because this is a seasonal, residential use.

Additional conditions:

1. No other structures or additions (incl. decks, porches, landings, etc.) that do not meet setback are allowed by this approval.
2. For reduced setbacks between structures, no fuel source or accessory structure shall be placed between the structures.
3. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
4. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
5. Approval expires on 7/27/24 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.
6. Submit final plan sets (3 paper, 1 reduced). Submit one copy for approval prior to submitting all required copies. Make the following changes/corrections:
 - a. Correct the missing information in the title block. (Land of, Located at, etc.)
 - b. Correct WBCG UOA address (10A Grey Rocks Road, Belmont, NH)
 - c. Correct setback modifications as discussed.

The motion was seconded by M. Mastenbrook and carried. (5-0)

MOTION: J. Froumy moved to grant a Special Exception of Article 8.B.9.f.(1).(b) to replace a travel trailer with a park model closer (11.8') to an unrelated structured than allowed (15') but not closer than the existing structure (11.05') as it meets the following criteria.

1. The proposal is specifically authorized as a Special Exception by the ordinance.
2. The Special Exception criteria set forth in Ordinance Article 13.F. does not apply.

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. It continues the same seasonal, residential use.
4. The proposed location is of adequate size with the relief. The applicant revised the Variance setback location to better suit the size of the property.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. The site is next to the last site on the property so it will not create any pedestrian safety issues.
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. There are no additions impervious surfaces covering the soils. It is a seasonal, residential use.
7. The proposal does not create excessive demand for municipal services and facilities. It is on community water and sewer. They are continuing the existing use.
8. The proposal does not create hazards to the health, safety, or general welfare of the public. It is a seasonal use that continues the previous use.

The motion was seconded by M. Mastenbrook and carried. (5-0)

The Board accepted the applicant's withdrawal of the request for a Variance of Article 5 Table 2 of the Zoning Ordinance to replace a travel trailer with a park model closer (11.56') to the property line than allowed (12.5').

Abutters' Hearing – Wayne & Carol Drouin: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow an Accessory Dwelling Unit in the "RS" Zone. Property is located at 487 Union Road, Tax Lot 116-043-000-000, ZBA # 3222Z.

Mr. & Mrs. Wayne Drouin and Attorney Phil Brouillard were present for this application. The three members that viewed the site were: N. Patten, D. Dunham, M. Mastenbrook, J. Froumy and S. Ciampi.

MOTION: M. Mastenbrook moved that the proposal does not have a potential regional impact.

The motion was seconded by S. Ciampi and carried. (5-0)

Atty. Brouillard explained that the Drouins want to create an Accessory Dwelling Unit (ADU) in the pool area. There is no change in footprint or exterior appearance as it is interior renovations only. The house is on 9 acres and has a shop and adequate parking.

The ADU is allowed by Special Exception and is totally contained within the existing structure, formerly an indoor pool area. It is adequate in size, containing one bedroom and a tv room.

The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. The proposal does not overload any existing water, drainage or sewer as it is serviced by a private well and septic.

Atty. Brouillard addressed the Land Use Technician's comment concerning the number of bedrooms. The Drouin's septic design approval was for a three-bedroom house with 140 gallons for the shop. Approval was for 590 gallons a day. A four-bedroom house requires 600 gallons and they have no employees and go south for the winter. The septic is adequate and should have no problems. The current DES approval is sufficient for the house. Mr. Drouin stated they will not utilize one bedroom until they get approval for a new septic design. S. Whearty stated that a four-bedroom design is not the same as an ADU. They are not required to install a new septic but to have the plans for one as a back-up if the existing system fails. They can condition the approval so that a Certificate of Occupancy cannot be issued until they have a septic design approval.

The Vice Chairman opened the hearing to public comment. There being no questions or comments the Vice Chairman closed the public hearing.

MOTION: J. Froumy moved to grant a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow an Accessory Dwelling Unit in the "RS" Zone as it meets the following criteria.

1. The proposal is specifically authorized as a Special Exception by the Ordinance.
2. The proposal satisfies the Special Exception criteria set forth in Ordinance Article 13.F. does not apply.
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. This is an internal residential use of an existing residential structure.
4. The proposed location is of adequate size. Staff has confirmed that the ADU meets the size requirements.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. The is in the existing house. There is one residence on the property and adequate parking.
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. They are filling an existing indoor pool so there is no change to the footprint. No new impervious surface is created.
7. The proposal does not create excessive demand for municipal services and facilities. The site is serviced by a private well and septic.
8. The proposal does not create hazards to the health, safety, or general welfare of the public. There is no change in use. It is in an existing house service by private water and well. There is existing parking.

Additional 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 approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 7/27/24 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.

4. Submit NHDES-approved septic design sufficient for the existing house and ADU before a Certificate of Occupancy is issued.

The motion was seconded by M. Mastenbrook and carried. (5-0)

OTHER BUSINESS:

BOARD'S ACTION -MINUTES:

FEE SCHEDULE:

S. Whearty explained that postage has gone up and the Notice of Decision (NOD) fees need to be adjusted to reflect the change. Currently the fee it is \$16.00 for the filing and \$.60 for postage. She would like to adjust the postage rate to keep up with increases in postage rates.

MOTION: M. Mastenbrook move to adjust the NOD fees to reflect on postage rate increase. The rate would be \$16.00 base fee plus the current postage rate. The motion was seconded by D. Dunham and carried (5-0).

ADJOURNMENT:

MOTION: On a motion by M. Mastenbrook seconded by D. Dunham it was voted unanimously to adjourn at 8:58 pm. (5-0)

Respectfully submitted,

Elaine M. Murphy
Land Use Coordinator