



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, May 26, 2021
Belmont Mill and Zoom
Belmont, NH 03220

Members Present: Members David Dunham, Mark Mastenbrook and Sharon Ciampi.
Members Absent: Chairman Peter Harris (E); Vice Chair Norma Patten (E), and Alternate Member John Froumy (E).
Staff: Dari Sassan and Colleen Akerman.

M. Mastenbrook opened the meeting at 6:05pm and welcomed those in attendance.

Acting Chair M. Mastenbrook stated that with regards to the LeClair application, the Board will move them down the agenda for the time being to see if enough Board members attend to vote, as D. Dunham will recuse himself because he is an abutter and wrote in support of the application.

M. Mastenbrook explained there is not a full 5-member Board present. An affirmative vote of 3 members is necessary to approve any application. All applicants have the option to be heard by the short Board or request to be tabled until the next regular meeting. If the applicant chooses to proceed, and their application is denied, the fact that the denial was by a short Board is not grounds for a rehearing. He cautioned applicants that it would be very risky to proceed with only 3 members.

D. Sassan reiterated that three affirmative votes of the Board are required for approval. Statistically, the opportunity for approval is much better with a full board of 5 members because you need 3 out of 5 votes, instead of 3 out of 3 or 4 votes. There is an option of continuing to next month. If applicants decide to go forward with a short board and their request is not successful, applicants cannot use the fact that there was a short board as a reason to request a rehearing.

Ms. Nancy Vanagel asked for clarification on what the short board means. D. Sassan explained that the chances of approval are greater with five members rather than three. If an application is denied, a rehearing cannot be requested based on the rationale of a short board.

Ms. Vanagel explained that Mr. Bailey, her agent, is not here yet. D. Sassan said it is the Chairman's decision if Ms. Vanagel's application can be moved down the meeting agenda.

M. Mastenbrook explained that if Mr. Robert Stanton wants to continue to next month or ask to be moved down the agenda, the Board is back to Ms. Vanagel's application. And this could continue. He asked Mr. Stanton what he would like to do. Mr. Stanton said he would rather not wait

until next month, but what are the chances that someone else might show up. M. Mastenbrook said we can wait 10-15 minutes and then start making decisions on whether to move forward or not.

D. Sassan communicated with the Zoom attendees: Mr. Jim Robinton and Donna. Mr. Robinton said he was home alone. Donna was muted and unable to identify her full name as audio and video were turned off.

MOTION: D. Dunham moved to recess the meeting until 6:30 pm.

The motion was seconded by S. Ciampi and carried. (3-0)

The Chairman reopened the meeting at 6:30 pm.

D. Sassan said applicants expressed interest in meeting sooner than a full month from now. His advice was to continue to the next regularly scheduled meeting in the event that the Board is unable to meet earlier. If the meeting can be held sooner, it will need to be re-noticed, but it does not create any logistical problems if the meeting can't be held sooner. There is the potential that the Town could cover some of the re-noticing costs if an earlier hearing can be held.

M. Mastenbrook stated he has never seen this happen before.

All applicants agreed to table their applications until the June 23rd meeting.

1. Abutter's Hearing – Tracey LeClair: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow agricultural animals (chickens) in an "RS" zone on a lot less than 3 acres. Property is located at 321 Brown Hill Road, Tax Lot 229-061-000-000, ZBA #1521Z.

MOTION: D. Dunham moved to continue the LeClair application until the next regular meeting at 6 pm on June 23, 2021.

The motion was seconded by S. Ciampi and carried. (3-0)

2. Abutters' Hearing – Nancy Vanagel for Winnisquam Beach Association: Request for two Special Exceptions of Article 4 of the Wetland Ordinance:

1. To replace a manufactured unit closer (12.6') to the wetlands than allowed (35') but not closer than the existing manufactured unit. ZBA# 1621Z

2. To construct an addition closer (20') to the wetlands than allowed (35') but not closer than the existing structure. ZBA # 1721Z

Property is located at 8 Donway Drive in an "RS" Zone, Tax Lot 117-015-000-018.

MOTION: D. Dunham moved to continue the Vanagel application until the next regular meeting at 6 pm on June 23, 2021.

The motion was seconded by S. Ciampi and carried. (3-0)

- 3. Abutters' Hearing – Robert Stanton for Mallards Landing Association:** Request for three Variances of Article 5 Table 2 of the Zoning Ordinance to construct a two-story addition:
1. Closer (20.9') to a porch (1 Fifth Street) than allowed (30'). ZBA # 1821Z
 2. Closer (17.9') to a shed (1 Fifth Street) than allowed (30') ZBA # 2021Z
 3. Closer (18.8') to a shed (20 Mallards Landing Road) than allowed (30'). ZBA # 1921Z
- Property is located at 22 Mallards Landing Road in an "RS" Zone Tax Lot 110-002-000-129.

MOTION: D. Dunham moved to continue the Stanton application until the next regular meeting at 6 pm on June 23, 2021.

The motion was seconded by S. Ciampi and carried. (3-0)

Approval of Minutes 04/28/2021:

MOTION: On a motion by D. Dunham, seconded by S. Ciampi, it was voted unanimously to accept the minutes of April 28, 2021 as written. (3-0)

D. Sassan explained to the Zoom attendees that all three applicants agreed to continue their cases to the June 23, 2021 meeting.

ADJOURNMENT:

MOTION: On a motion by D. Dunham, seconded by S. Ciampi, it was voted unanimously to adjourn at 6:36 pm. (3-0)

Respectfully submitted,

Colleen Akerman
Building & Land Use Clerk