



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, December 28, 2022
Belmont Mill & Zoom
Belmont, NH 03220

Members Present: Chairman Peter Harris and Member David Dunham.
Alternates present: John Froumy
Absent: Mark Mastenbrook(E) and Sharon Ciampi (E) Norma Patten (E)
Staff: Susan Austin and Karen Santoro.

6:00 Public Meeting

The Chairman 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 electronic means. He said that the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he 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.

Chairman Harris stated that 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 the denial was by a short Board is not grounds for a rehearing.

Chairman Harris asked the applicant if they would like to proceed. The applicant stated that they would.

John Froumy was seated as a voting member.

The Chairman stated the following definition will be used to determine if the applications before the Board tonight have a regional impact. He 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: P. Harris moved that the proposal does not have a potential regional impact.

The motion was seconded by D. Dunham

Vote: All in favor, motion carried. (3-0)

Abutters' Hearing – Susan and Timothy Schaller: Request for a variance of Article 5 Table 2 of the Zoning Ordinance to construct a 24' x 24' garage closer (35.4') to the front property line than allowed (50'). Property is located at 11 Gilman Shore Road in the "RS" Zone, Tax Lot 111-064-000-000. ZBA# 5422Z.

Bob Schaller was present to discuss the application. B. Schaller stated that they propose to remove the existing storage shed, concrete slab, and carport, and replace it with a single story 24ft x 24ft garage that will be attached to the existing house. He stated that this new garage will allow them additional storage space. He stated that he received the Staff Report with the departmental responses, and addressed the edits and questions raised.

Departmental Response:

Land Use Technician:

- Proposed conditions still show footprint of carport area; application narrative indicates carport and slab are being removed. Will the existing slab under carport be removed? If yes, plan needs to reflect change in footprint.
- Square foot calculation of house, deck and garage should be labeled on the proposed condition plan.
- Proposed impervious area calculations – please check/confirm calculations. (E.g. Main Structure = 2273 sf how is this number being calculated?) Lot is allowed 60% coverage.
- Per application, garage is single story; no additional living space above.

Staff Comments:

- Preexisting nonconforming. No driveway permit required – private road.
- Because the proposal requires a variance, a special exception under Zoning Article 11 shall not also be required per Art. 11.A.3.a
- Revise impervious area calculations
- The 2022 Shoreland As-built existing conditions calculation does not include the 275sf of carport.
- It is not clear why the 2021 Shoreland numbers have been included. They do not match existing or proposed structures and therefore do not seem relevant. They should be removed.
- Due to the missing labels, it is difficult to calculate the impervious area of the proposed conditions. The impervious area calculation on the proposed conditions plan does not appear to be correct and it is not clear whether or not the slab under the carport is remaining – the

plan seems to indicate that it is. When we add the existing house, carport, and proposed garage we come up with 2,787sf, where you have 2,273sf in your table.

Abutters present: David Paquette was present, and he stated that he had no concerns. Chairman Harris closed the public comment.

MOTION: J. Froumy moved to approve the request for a variance of Article 5 Table 2 of the Zoning Ordinance to construct a 24' x 24' garage closer (35.4') to the front property line than allowed (50'). Property is located at 11 Gilman Shore Road in the "RS" Zone.

1. The variance will not be contrary to the public interest because: Insofar as the public interest is the character of the neighborhood is the shorefront, and upgrading many houses and the addition of a 24 x 24 garage will not be threatening the safety or welfare or otherwise injure public rights.
2. The spirit of the ordinance is observed because: Insofar as the public interest is the character of the neighborhood is the shorefront, and upgrading many houses and the addition of a 24 x 24 garage will not be threatening the safety or welfare or otherwise injure public rights.
3. Substantial justice will be done because: The benefit to the applicant does not outweigh the harm to the general public.
4. The variance would not diminish the value of surrounding properties because: The criteria finds that the addition of this garage is agreeable. There is a shed there now, and is within the setback. The new garage will be back 35.4 feet. It will enhance the aesthetics of the neighborhood.
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 is quite narrow, and the applicant cannot enlarge the house.

and
 - b) the proposed use is a reasonable one because: By today's standards the proposed garage is a rather small garage. The applicant is trying to accommodate the hardships of the property, and garages are always a reasonable request.

Additional conditions:

6. There will be no other living space above the garage.

7. No other structures or additions (incl. decks, porches, landings, etc.) that do not meet setback are allowed by this approval.
8. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
9. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
10. Approval expires on 12/28/24 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.
11. Make the following corrections to the plan:
 - i. Revise impervious area calculations, they do not appear to be correct or are missing information.
 - ii. Label the area of the house, deck, and garage (proposed condition plan).
 - iii. Indicate whether the slab under the carport will be removed or remain.

The motion was seconded by D. Dunham.

Vote: All in favor, motion carried. (3-0)

APPROVAL OF MINUTES:

MOTION: P. Harris moved to table the minutes of November 16, 2022 until the next meeting.

The motion was seconded by D. Dunham

Vote: All in favor, motion carried (3-0)

STAFF REPORT:

New Member application.

Paul Maggioli has applied to be an alternate member of the Board. The Board asked that he attend the next meeting.

ADJOURNMENT:

MOTION: J. Froumy moved to adjourn at 6:22 pm. The motion was seconded by D. Dunham and carried (3-0)

Respectfully submitted,

Susan M. Austin
Land Use Administrative Assistant