Wednesday, August 26, 2020
Belmont Corner Meeting House
Belmont, NH 03220

Members Present:  Chairman Peter Harris; Vice Chair Norma Patten; Members Mark Mastenbrook, John Froumy and David Dunham.
Staff:  Elaine Murphy and Dari Sassan.

The Chairman opened the meeting at 6pm and welcomed those in attendance. He announced that as Chairman of the Belmont Zoning Board of Adjustment, he finds that due to the state of emergency declared by the governor, 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 603-267-8309, and the meeting will be recessed until access can be restored for all parties.

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.

**ABUTTERS HEARING – CARMONA FAMILY REVOCABLE TRUST:** Request to construct a single-family residence:

1. A variance of Article 5 Table 2 of the Zoning Ordinance closer (25.1’) to the front property line than allowed (50’). ZBA #0620Z
2. A variance of Article 5 Table 2 of the Zoning Ordinance closer (10.7’) to the side property line than allowed (12.5’). ZBA # 0720Z
3. A variance of Article 4 of the Wetland Ordinance closer (44.2’) to the highwater mark than allowed (50’). ZBA # 0820Z

Property is located at 92 Sunset Drive in an “RS” Zone, Tax Lot 107-146-000-000.
P. Harris stated that the applicant bought the property in May of 2017. The Department’s response included comments from the Water & Sewer Department stating that it is a private water system and is connected to town sewer system. Comments from the Land Use Technician state the proposal is more conforming and provides stormwater infiltration.

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

The motion was seconded by N. Patten. Roll call was taken: N. Patten yes, P. Harris yes, J. Froumy yes, M. Mastenbrook yes, and D. Dunham yes. Carried. (5-0)

Mr. & Mrs. Brian Carmona and Mr. Eric Buck presented the application.

Mr. Eric Buck explained that they are applying for three variances to demo and reconstruct a 1,120sf single story cottage and 545sf garage located at 92 Sunset Drive. They want to construct a 2,296sf non-conforming two-story single-family residence with a covered porch and a garage. It is a ¼ acre lot with a small gravel parkway and walkway. The proposal is for a three-bedroom single-family cape style home that they will move back to meet the 50’ setback for the house. They want to put on a farmer’s porch that extends into the setback. The garage will be attached to the main house. The existing garage is 10” from the front setback and 3.2’ from the side setback and now will be 25.1’ from the front setback and 10.7’ from the side setback. This proposal will improve stormwater management. The stone trenches will improve the roof runoff into the lake and be better for the environment.

P. Harris stated the proposal is consistent with other houses in area. Mr. Buck stated the development is cluster with the setback requirements there is not enough room for a house.

D. Dunham stated there is a well on the plan and wanted to know if that is an existing well or a proposed one. Mr. Carmona stated there is no well on the property they are drawing water from the lake. There will be a new well on the site. Mr. Buck stated they have received Shoreland Permit and referred to R. Ball’s department response that the proposal is more conforming and provides stormwater infiltration.

The chairman opened the hearing to public comment.

Mr. Scott MacKay 94 Sunset Drive, an abutter, stated this is a great project and he has no objections but he wants to make sure the mess from the demo gets cleaned up. He would like there to be a condition of approval that it be cleaned up after no longer than 30 days. D. Sassan stated that is an acceptable request but is it possible and reasonable for the applicant comply with the request. Mr. Carmona stated he has no problem with the request. He has contractors lined up to do the demo next week and hopes to have it done by the end of next week.

D. Sassan asked the two zoom participants if they had any questions. They responded that they did not.

There being no further questions or comments the chairman closed the public hearing.
BOARD ACTION – CARMONA FAMILY REVOCABLE TRUST:

MOTION: N. Patten moved to grant a variance of Article 5 Table 2 of the Zoning Ordinance to construct a single-family residence closer (25.1’) to the front property line than allowed (50’) as it meets all the criteria stated below:

1. The variance will not be contrary to the public interest because a new home will complement the area and increase surrounding property values.
2. The spirit of the ordinance is observed because the new structure is further from the setbacks and will be more conforming to the ordinance.
3. Substantial justice will be done because the new structure is further away from the property lines and Lake Winnisquam.
4. The variance would not diminish the value of surrounding properties because it will remain a three-bedroom single family residence and be more conforming than the existing residence.
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 it is a non-conforming lot with a reduced buildable area.
   and
   b. the proposed use is a reasonable one because it is a residential use in a residential single-family zone. The structure will be further from the property lines and Lake Winnisquam than the existing structure increasing the open space to abutting properties, the road and the lake.

Additional conditions:

6. 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.
7. All setbacks certified at the commencement of construction and as may otherwise be required.
8. Comply with all conditions of Shoreland Protection permit.
9. Comply with Floodplain Ordinance.
10. Demolition debris shall be removed within 30 days of demolition completion. In the event that unexpected circumstances arise then the Land Use Office shall be notified to determine if an extension can be granted.
11. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
12. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
13. Approval expires on 8/26/2022 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 M. Mastenbrook. Roll call was taken: N. Patten yes, P. Harris yes, J. Froumy yes, M. Mastenbrook yes, and D. Dunham yes. Carried. (5-0)

**MOTION:** N. Patten moved to grant a variance of Article 5 Table 2 of the Zoning Ordinance to construct a single-family residence closer (10.7’) to the side property line than allowed (12.5’) as it meets all the criteria.

1. The variance will not be contrary to the public interest because a new home will complement the area and increase surrounding property values.
2. The spirit of the ordinance is observed because the new structure is further from the setbacks and will be more conforming to the ordinance.
3. Substantial justice will be done because the new structure is further away from the property lines and Lake Winnisquam.
4. The variance would not diminish the value of surrounding properties because it will remain a three-bedroom single family residence and be more conforming than the existing residence.
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 it is a non-conforming lot with a reduced buildable area.
   and
   b. the proposed use is a reasonable one because it is a residential use in a residential single-family zone. The structure will be further from the property lines and Lake Winnisquam than the existing structure increasing the open space to abutting properties, the road and the lake.

Additional conditions:

6. *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.*
7. *All setbacks certified at the commencement of construction and as may otherwise be required.*
8. *Comply with all conditions of Shoreland Protection permit.*
9. *Comply with Floodplain Ordinance.*
10. *Demolition debris shall be removed within 30 days of demolition completion. In the event that unexpected circumstances arise then the Land Use Office shall be notified to determine if an extension can be granted.*
11. *All representations made by the applicant during the public hearing are incorporated as a condition of this approval.*
12. *The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.*
13. *Approval expires on 8/26/2022 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 M. Mastenbrook. Roll call was taken: N. Patten yes, P. Harris yes, J. Froumy yes, M. Mastenbrook yes, and D. Dunham yes. Carried. (5-0)

**MOTION:** N. Patten moved to grant a variance of Article 4 of the Wetland Ordinance to construct a single-family residence closer (44.2’) to the highwater mark than allowed (50’) as it meets all the criteria.

1. The variance will not be contrary to the public interest because a new home will complement the area and increase surrounding property values.
2. The spirit of the ordinance is observed because the new structure is further from the setbacks and will be more conforming to the ordinance.
3. Substantial justice will be done because the new structure is further away from the property lines and Lake Winnisquam.
4. The variance would not diminish the value of surrounding properties because it will remain a three-bedroom single family residence and be more conforming than the existing residence.
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 it is a non-conforming lot with a reduced buildable area.
   and
   b. the proposed use is a reasonable one because it is a residential use in a residential single-family zone. The structure will be further from the property lines and Lake Winnisquam than the existing structure increasing the open space to abutting properties, the road and the lake.

Additional conditions:

6. 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.
7. All setbacks certified at the commencement of construction and as may otherwise be required.
8. Comply with all conditions of Shoreland Protection permit.
9. Comply with Floodplain Ordinance.
10. Demolition debris shall be removed within 30 days of demolition completion. In the event that unexpected circumstances arise then the Land Use Office shall be notified to determine if an extension can be granted.
11. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
12. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
13. Approval expires on 8/26/2022 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 M. Mastenbrook Roll call was taken: N. Patten yes, P. Harris yes, J. Froumy yes, M. Mastenbrook yes, and D. Dunham yes. Carried. (5-0)

OTHER BUSINESS:

BOARD'S ACTION -MINUTES:

MOTION: On a motion by M. Mastenbrook, seconded J. Froumy it was voted unanimously to accept the minutes of June 24, 2020 as written. Roll call was taken: N. Patten yes, P. Harris yes, J. Froumy yes, M. Mastenbrook yes, and D. Dunham yes. Carried. (5-0)

STAFF REPORT:
D. Sassan explained that in August 2018 the Zoning Board granted Pike a variance for 4’ separation to seasonal highwater table to deepen excavation within defined quarry footprint. On August 24, 2020 the Planning Board granted an Earth Excavation approval to Pike with substantial conditions.

ADJOURNMENT:

MOTION: On a motion by D. Dunham seconded by P. Harris it was voted unanimously to adjourn at 6:25 pm. Roll call was taken: N. Patten yes, P. Harris yes, J. Froumy yes, M. Mastenbrook yes, and D. Dunham yes. Carried. (5-0)

Respectfully submitted,

Elaine M. Murphy
Administrative Assistant