



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, August 25, 2021
Belmont Mill & Zoom
Belmont, NH 03220

Members Present: Chairman Peter Harris; Members Mark Mastenbrook, David Dunham (Zoom) and Sharon Ciampi.
Members Absent: Norma Patten (E).
Alternates Absent: John Froumy (E).
Staff: Elaine Murphy, Rick Ball and Candace Daigle.

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 was asked by the applicant that this meeting be held via Zoom using both electronic means and in person. 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.

The Chairman asked that the Board start the meeting by taking a roll call attendance, with each attendee stating their name and that they report if they are attending via Zoom and if anyone else is attending the meeting from that same location.

Chairman Peter Harris, meeting room
Mark Mastenbrook, meeting room
David Dunham, home alone
Sharon Ciampi, meeting room
Candace Daigle, Elaine Murphy and Rick Ball meeting room
Mrs. Jennifer Gagnon via Zoom

The chairman explained 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 to 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.

Mrs. Jennifer Gagnon was present via Zoom and agreed to a Short Board.

The chairman stated the following definition will be used to determine if the application before the Board tonight has 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 – JENNIFER AND CHRISTOPHER GAGNON: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow an accessory apartment in the “RS” zone. Property is located at 141 Plummer Hill Road, Tax Lot 211-023-000-000, ZBA # 3321Z.

The members that viewed the site were: P. Harris, M. Mastenbrook, Sharon Ciampi and D. Dunham.

P. Harris reviewed the history of the lot. April 4, 2000 the current owner purchased the property. In May of 2000 they merged two lots and constructed a single-family residence. In September of 2009 they submitted a building permit to construct a detached guest house. That permit was denied because a second detached single-family residence on a lot already occupied by a single-family residence is not permitted. In October 2016 they constructed a detached garage with the conditions on it that there be no habitable space, water, septic or heat in it.

P. Harris stated that there were no department response or concerns from any department except the Building Inspector. The Building Inspector responded that a building permit is needed and it needs to include a floor plan, construction drawing of the existing structure, elevations and any interior changes.

P. Harris reviewed the Accessory Apartment Ordinance outlining some of the key requirements. The accessory dwelling unit (ADU) shall not exceed 750sf of net floor area or twenty-five percent of the sum of the net floor area of both the finished primary dwelling unit and the finished ADU, whichever is larger. An ADU does not require a separate minimum lot size. Only one ADU per lot is allowed and they are not permitted in multiple single-family developments where one or more single family dwelling units are attached, such as, but not limited to, condominium developments and duplexes. The ADU shall be located within the primary single-family dwelling unit and is not permitted in detached or accessory structures. An ADU must be attached to the primary dwelling unit by means of a common wall, floor or ceiling between conditioned spaces or a conditioned space. An interior door shall be provided between the principal dwelling unit and the ADU. An ADU shall include no more than two bedrooms and be created either through the internal conversion of an existing housing unit or through the creation of a new principal dwelling unit/accessory dwelling unit structure. The principal dwelling unit or the ADU shall be occupied by the owner of the property. The construction and occupancy of an ADU shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion. Means of egress shall meet all applicable codes. A building permit is required prior to construction and a Certificate of Occupancy is required prior to occupancy of the unit. Off-street parking shall be

provided. Two spaces for the principal residence and one space for the ADU. All applications under this section shall demonstrate compliance with NH DES Wastewater Rules for sewage disposal and adequate provision for water, waste and drainage generated by the future occupancy of the ADU. No exterior changes shall be made which do not conform to the character of the neighborhood. Applications for an ADU need to include a scaled plot plan showing location of existing structure, a detailed floor plan, parking layout and yard area, a sketch for any proposed expansion or change to the structure showing overall dimensions, the square footage of the construction or alteration, the location and number of exits.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.

The motion was seconded by M. Mastenbrook and carried. (4-0) Roll call taken P. Harris yes, M. Mastenbrook yes, S. Ciampi yes and D. Dunham yes.

P. Harris had concerns about the 2009 request for a guest house that was denied. Is this the same structure? Mrs. Gagnon stated that it is a different structure, that was a detached garage. This is an attached garage and they want to finish off the upstairs for her mom. She addressed staff's concern about the septic. The original designer retired and she has hired Mr. Chuck Noddin to design a new septic design to have on file in the event that the current septic fails.

C. Daigle agreed this is a different garage. Mrs. Gagnon stated the other garage has no plumbing in it. C. Daigle explained that this garage is attached to the house and has no conditions on its approval. Mrs. Gagnon stated this garage has been unfinished for 20 years. They will finish it off for living space with an enclosed porch to access the house. C. Daigle stated the two dwelling units must abut through conditioned space so the porch on second floor will become living space.

M. Mastenbrook wanted to know if there will be a door from the apartment into the house. Mrs. Gagnon stated there will be a door from the apartment into the house. M. Mastenbrook wanted to know about the stairs in the garage. Mrs. Gagnon stated her builder will change the orientation of the stairs. M. Mastenbrook stated he wanted to make sure there was enough room to have two egress points to the apartment. He clarified that the room is above the attached garage and was never finished. Mrs. Gagnon stated that was correct.

C. Daigle presented the Board with a letter from Ms. Catherine Gagnon, lienholder, stating that she supports the special exception request for the ADU.

Mrs. Gagnon stated there are no setback issues, they have 8 acres of land. P. Harris wanted to make sure Mrs. Gagnon is aware of all the conditions for an ADU and that there can be no more than 2 bedrooms and a maximum of 750sf. Mrs. Gagnon stated it is 726sf and will have one bedroom.

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

BOARD ACTION – JENNIFER AND CHRISTOPHER GAGNON:

MOTION: P. Harris moved to grant approval for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow an accessory apartment in the “RS” zone as it meets all the criteria.

1. The proposal is specifically authorized as a special exception by the ordinance.
2. The proposal satisfies applicable 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.
4. The proposed location is of adequate size.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety.
6. The proposal does not overload any existing water, drainage, sewer or other system, and there will not be any significant increase in stormwater runoff onto adjacent property or street.
7. The proposal does not create excessive demand for municipal services and facilities.
8. The proposal does not create hazards to the health, safety or general welfare of the public.

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 condition of this approval. Contractors should be sufficiently warned regarding the same.
3. Building permit application shall comply and structure shall remain compliant with all applicable Accessory Dwelling unit conditions as included in the Ordinance.
4. Approval expires on 8/25/23 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 and carried. (4-0) Roll call taken Peter Harris yes, Mark Mastenbrook yes, David Dunham yes, and Sharon Ciampi, yes.

OTHER BUSINESS:

BOARD'S ACTION -MINUTES:

MOTION: On a motion by M. Mastenbrook, seconded by S. Ciampi it was voted unanimously to accept the minutes of July 28, 2021 as written. (4-0) Roll call taken Peter Harris yes, Mark Mastenbrook yes, David Dunham yes, and Sharon Ciampi, yes.

COVID:

C. Daigle stated that tonight’s meeting was via Zoom at the request of the applicant. She wanted know if the Board wants to continue with Zoom meetings. She explained that Board member, D. Dunham, has requested that the Board consider a mask mandate for members and the public.

M. Mastenbrook stated he prefers not to mandate masks as there is social distancing between members and the public. He finds it hard to hear and understand what a person is saying when they have a mask on. It is hard to understand the necessity for it. D. Dunham stated that at present it is hard to deal with the unknown factors of the Covid variants. He is in favor of the mask mandate and is being careful and wears a mask in public. M. Mastenbrook stated he has no problem with Zoom and with 6' social distancing but there is no need for masks as the members sit 6' apart. His job requires him to be up to date on Covid guidelines. He monitors the CDC website daily and doesn't see the benefit of requiring masks. If it is mandated, he will wear one but there is no public mask mandate at the present time. He stated that you can go out to stores and not have to wear a mask, why should they have to at our meetings.

C. Daigle stated there are no current requirements to wear a mask but the Board has the authority to mandate members wear one and strongly encourage the public to wear one. S. Ciampi suggested that they continue with Zoom for 60 days and reevaluate it then. No one is happy with a mask mandate. She stated she sits next to D. Dunham and is willing to change seats with him if it makes him more comfortable. She has no problem with wearing a mask.

P. Harris stated he had his shots and wore a mask while the mandate was in effect but is not comfortable mandating everyone put on mask. He has trouble with Zoom because you don't get a comprehensive interaction and reading of the applicant. The Board could encourage the public to wear a mask if they wish.

C. Daigle stated that in order for D. Dunham to participate they would need to continue with Zoom. D. Dunham stated he is vaccinated and still wears mask for his protection. M. Mastenbrook stated there have been studies done that wearing a mask protects you it doesn't protect others. There is no scientific evidence that masks work. This is part of his job and he is constantly on the CDC website. The Board should feel free to do Zoom as an option.

S. Ciampi stated she doesn't want to take away D. Dunham's ability to feel safe so the Board should continue with Zoom if they don't want to mandate masks.

C. Daigle stated the three options are to leave things the way they are, to mandate masks or to continue with Zoom. P. Harris stated there are usually no more than 10 participants at a meeting and he doesn't see the need for a mandate at this time.

It was the consensus of the Board to continue with Zoom and not mandate masks. They can encourage mask wearing by putting something at the bottom of agendas.

ADJOURNMENT:

MOTION: On a motion by M. Mastenbrook seconded by S. Ciampi, it was voted unanimously to adjourn at 6:44 pm. (4-0) Roll call taken Peter Harris yes, Mark Mastenbrook yes, David Dunham yes, and Sharon Ciampi, yes.

Respectfully submitted,

Elaine M. Murphy
Administrative Assistant