



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, January 26, 2022
Belmont Mill & Zoom
Belmont, NH 03220

Members Present: Chairman Peter Harris; Vice Chair Norma Patten; Members Mark Mastenbrook, David Dunham and Sharon Ciampi.

Alternates Present: John Froumy.

Staff: Elaine Murphy and Sarah Whearty.

The Chairman opened the meeting at 6:15 pm and welcomed those in attendance and announced that the Belmont Selectmen have adopted a mask mandate for public buildings. He 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 Peter Harris, meeting room
Norma Patten, Zoom
Mark Mastenbrook, meeting room
John Froumy, Zoom
Sharon Ciampi, meeting room
David Dunham, Zoom
Sarah Whearty and Elaine Murphy meeting room

The chairman stated the following definition will be used to determine if the application 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 – MATTHEW GAULT: Continuation of a request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance for a contractor’s yard, storage of equipment

trailers, aluminum frames and pressure treated lumber, in the commercial zone. Property is located at 682 Laconia Road, Tax Lot 230-043-000-000, ZBA #4121Z.

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

The motion was seconded by S. Ciampi and carried. Roll Call P. Harris aye, M. Mastenbrook aye, S. Ciampi aye, N. Patten aye and D. Dunham aye. (5-0)

P. Harris read the history of the lot. In 2014, the owner purchased the property and there was a NH DOT driveway permit for multi-family dwelling use. In 2015, there was a building permit for interior renovations with the condition the dwellings units shall not exceed 2 and bedrooms shall not exceed 6. In 2018, a new 8-bedroom septic system was designed. In 2019, the applicant attended the Application Review Committee meeting to establish a welding shop and Contractor's Yard on site. The applicant was directed to obtain a Special Exception and Site Plan Approval. In 2021, the applicant was cited for operating a welding shop and Contractor's Yard in the existing detached garage. There was a complaint about non-residential use in the garage. The assessment card indicates a duplex with 8 bedrooms and detached garage. Mr. Gault submitted an application for a Special Exception for Contractor's Yard. At the previous Zoning Board meeting the applicant requested a continuance of the application to provide a more complete application.

P. Harris stated that there were no responses or comments from the Town departments. The members that viewed the site were P. Harris, N. Patten, M. Mastenbrook, D. Dunham and J. Froumy.

Mr. Tom Selling and Mr. Matthew Gault presented the application.

Mr. Selling explained that this is a 22.36 acre lot with a residential duplex and a large garage on the west side of the property. They are looking at having a commercial venture on site. They fabricate floating golf greens which are similar to a raft with a hole in center that are used in golfing. There is a single story 30' x 84' garage that they want to add a second story on for office space.

Tonight's proposal is to construct two Contractor's Yards. One will be 44,000sf located north of the existing garage. This will be for various inventory and material used in fabrication that is done inside the building. The second Contractor's Yard is approximately 23,660sf and for trailers used to load and unload equipment used in assembling the products. There will be one truck a day entering the site during the busiest season and in the off-season one truck a week at best. There will be no signs on Rte. 106 and that driveway will not change as it is used by the residents. The business will be accessed from the driveway off Seavey Road. There is a designated parking area for the business with 8 spaces but they usually only need 5 spaces for the owners and employees. Occasionally, customers may visit the site to view the product but the public is not on site on a daily basis. There are two sheds; one will be torn down and one will remain for storage.

N. Patten had concerns about accessing the site from Seavey Road as it is the main road to the high school. She stated that at 7am there are several buses that use Seavey Road to get to the school. She is opposed to using the Seavey Road entrance during the school season. Mr. Gault wanted to know if they are talking about the school bus schedule going to and from the school during school hours. N. Patten stated she is concerned about the trucks going in and out of the site and

possible accidents. Mr. Selling stated they are talking about 1 truck a day not hourly. The applicant may be willing to talk to the truckers and ask them not to deliver at 7:00am. There are 3 employees and two owners that may get to the site between 7-8am but that is not generating traffic.

S. Whearty stated Seavey Road is posted during the spring so that would limit the traffic from the Seavey Road entrance during the road posting season. P. Harris stated the applicant is considering limiting the hours when trucks can make deliveries. S. Ciampi stated they could limit the starting time to after 7:30am. Mr. Selling stated they are working with staff on the location of the existing driveway. There is adequate sight distance. They want to use the Seavey Road driveway out of respect for the residents in the duplex. They are being accommodating with adjusting the start time to 7:30am.

P. Harris stated he has concerns about the turn radius when accessing Seavey Road. When a truck enters Seavey Road from the site, they cannot go over the center line because it can be a dangerous situation. Mr. Gault needs to contact the Public Works Department on the design. He also has concerns about commercial trucks on Seavey Road and how it will impact the road. He also has concerns about pedestrian traffic.

J. Froumy stated that they are talking about a truck hauling 3-4 times a week. He stated that if a house down the road added a second car in their driveway it would have more of an impact than adding a truck using the road one day a week. M. Mastenbrook agreed that adding a second car to a residence would have more of an impact. The site is not open to the public and he has no concerns about any impact from a truck using Seavey Road once a week. S. Ciampi stated the issue isn't the one truck using the road, it is the timing. The owner does not live on site and they have a couple of employees that will be going to the lot at the same time as people are going to school. M. Mastenbrook questioned how many new students drive to school every year. Those new drivers increase the traffic more than the one truck a day does. The applicant agrees to opening later. There was discussion about the business growing and deliveries increasing to more than once a day. Mr. Gault stated that they purchase supplies in bulk and if they have 4 shipments a year that is good. The business is a small niche in the golf market. Having a truck delivery 15 times a year would be his dream and he would have to go back to the Board if that happens. M. Mastenbrook wanted to know if there is a way to come off Rte. 106. Mr. Gault stated they are working on amending their State driveway permit to not use Rte. 106 commercially. P. Harris stated the concern is if something happens when they are coming out of the driveway on Seavey Road could the town be liable. Mr. Selling stated that he has to do it right because he could be liable too. It has to be safe and the Fire Department and the Public Works Department has to agree to it. P. Harris reiterated that his concern is about crossing the center line. M. Mastenbrook stated the Planning Board and the Fire Department will make sure that it is safe.

N. Patten wanted to know how they handle trash. Will there be a dumpster? Can it be seen from Rte. 106? She also wanted to know if there will be a fence where the supplies are stored. Mr. Selling stated the dumpster there will be a fenced and screened in and is well away from Seavey Road and Rte. 106. It is a 2-yard dumpster like those used at offices. Mr. Gault stated they use a pick-up truck to remove the debris. They don't generate a lot of trash.

Mr. Selling addressed the criteria for granting a Special Exception. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts because the fabrication and assembly work takes place indoors. Occasionally a client wants to see the finish product put together before it is shipped and that is done outside but the fabrication is done inside. There is no noise or odor created outside. There are motion activated lights that help people get in and out of the building.

The proposed location is of adequate size because it is a 24.4 acre lot with 900' of frontage on Rte. 106 and 70' on Seavey Road. There is no outward expansion of the garage. There is adequate drainage in place.

The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety because there are no sidewalks on Seavey Road and there is little or no pedestrian traffic in the area. There will be no vehicle congestion as traffic is limited to employees or the owners. Truck traffic will occur between 7:30am and 5:00pm.

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 because the existing duplex is served by its own private well and septic and the proposed garage will have its own well and septic. They are securing a leach field that meets DES requirements for the garage. The existing Contractor's Yard is gravel and will be utilized for parking and temporary construction of products to show the client. Mr. Selling stated he is aware of the Aquifer and is respectful of it and nothing will be constructed in that area.

The proposal does not create excessive demand for municipal services and facilities because the duplex has its own services on site and the business will have its own services. There have been inspections by the Fire Department in the past and they will add the necessary equipment such as exit and entrance signs to meet the Fire Department requirements.

The proposal does not create hazards to the health, safety or general welfare of the public because it is set back from Rte. 106 and Seavey Road.

P. Harris read a letter from Mr. & Mrs. Edward Chisholm, abutters, stating they have no issues with the Special Exception their neighbor Mr. Gault is applying for. They stated that Mr. Gault is a good neighbor and community member.

M. Mastenbrook clarified that Belknap Repair Services has an entrance on Seavey Road and there is an auto dealership across the road in the same area that uses Seavey Road.

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

BOARD ACTION – MATTHEW GAULT:

MOTION: M. Mastenbrook moved to grant a request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance for a Contractor's Yard, storage of equipment trailers,

aluminum frames and pressure treated lumber, in the Commercial Zone as it meets the following 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. All fabrication will be done inside. The service station next door has the ability to generate more noise than this fabrication business.
4. The proposed location is of adequate size. The lot is over 22 acres with 900' of frontage.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety. The impact is manageable and less intense than the abutting repair shop traffic impact. The applicant has agreed to start operations after 7:30 am after the bus traffic from the school has ended.
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 garage will be serviced by its own well and septic.
7. The proposal does not create excessive demand for municipal services and facilities. It will have its own well and septic system.
8. The proposal does not create hazards to the health, safety or general welfare of the public. The business is in an area that will create minimal impact.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. Comply with Aquifer Protection Ordinance.
3. No off-site business traffic will occur before 7:30am during the school year.
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 1/26/24 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. Site Plan approval by Planning Board required.

The motion was seconded by S. Ciampi and carried. Roll Call P. Harris aye, M. Mastenbrook aye, S. Ciampi aye, N. Patten aye and D. Dunham aye (5-0)

OTHER BUSINESS:

BOARD'S ACTION -MINUTES:

MOTION: On a motion by M. Mastenbrook, seconded by Ciampi it was voted unanimously to accept the minutes of November 17, 2021 as written. Roll Call P. Harris aye, M. Mastenbrook aye, S. Ciampi aye, N. Patten aye and D. Dunham aye. (5-0)

ADJOURNMENT:

MOTION: On a motion by M. Mastenbrook seconded by S. Ciampi it was voted unanimously to adjourn at 7:15pm. Roll Call P. Harris aye, M. Mastenbrook aye, S. Ciampi aye, N. Patten aye, and D. Dunham aye. (5-0)

Respectfully submitted,

Elaine M. Murphy
Administrative Assistant