



## ZONING BOARD OF ADJUSTMENT BELMONT, NH

April 26, 2023  
Belmont Mill & Zoom  
Belmont, NH 03220

Members Present: Chairman Peter Harris, Vice Chairman John Froumy, Mark Mastenbrook, and Sharon Ciampi.  
Members Absent: David Dunham  
Staff: Susan Austin, Land Use Assistant and Karen Santoro, Town Planner.  
Zoom: None

### **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 he would like to remind everyone to be respectful to each other and the Board members and to please direct all questions and comments to the Board. The public will be allowed the opportunity to address the Board during the public hearing.

**Abutters' Hearing- Matthew King:** Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow a Contractor's Yard in the Commercial Zone. Property is located at 995 Laconia Road, Tax Lot 125-048-000-000, in the "C" Zone. ZBA #07-23Z.

### **Current Considerations:**

Chairman Harris stated that at least three members of Board have viewed the site prior to this meeting, and that this property is within the Aquifer Protection District. He also noted that there were no concerns from the Department Heads.

Chairman Harris stated 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.  
M. Mastenbrook seconded the motion.  
Vote: All in favor, motion carried (4-0)

Matthew King was present to speak for his application. He stated that he is proposing to use the property to store his trucks and materials for his foundation sealing business, and he would like to maintain the existing residence and rent it out. In response to a question by the Board, M. King stated that the trucks will not be serviced at this site, and only materials for existing jobs would be stored at the site. M. Mastenbrook asked if he saw any future expansion of the business. M. King stated at the most he would add one or two employees. J. Froumy asked about the occurrence of material spills as the property is located in the Aquifer Protection Zone. M. King stated that the materials are stored in containers and placed in the back of the truck. If any material spilled it would be inside the box truck when they attach a hose. He also noted that when the material, which is water based, is exposed to air it solidifies so any spill could be picked up.

J. Froumy stated that this is a business area, the next-door neighbor has large equipment, so this is keeping with the character of the neighborhood.

**MOTION:** J. Froumy moved to grant a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow a Contractor's Yard in the Commercial Zone. Property is located at 995 Laconia Road, Tax Lot 125-048-000-000. ZBA #07-23Z, as it meets the criteria listed below:

1. The proposal is specifically authorized as a special exception by the ordinance: Contractor yards are allowed by special exception in the commercial zone.
2. The proposal satisfies applicable Special Exception criteria set forth in Ordinance Article 13.F. Not Applicable.
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 because: There are similar businesses in the vicinity and neither this or the other similar businesses in the area will create any nuisances. Plus, the nature of this business as described by this applicant is such that it would not provide any environmental nuisances, including unusual noise for this area.
4. The proposed location is of adequate size because: Most of the work being done by this business is done offsite. This is essentially a storage facility where the employees congregate at the beginning and end of the work day. Size should not be of any question.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety because: There is very minimal traffic going in and out of this location with the three employees that are presently employed there. They also looked at the site distance on the highway and it seemed very good for this area.
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

because: There is not presently, and there will be no modifications of the grading or other features of the land that would cause an increase in runoff.

7. The proposal does not create excessive demand for municipal services and facilities because: During the day, the property will be largely unoccupied. The use of the property is not substantially different from what it was in the past, and it is not requiring any additional municipal services.
8. The proposal does not create hazards to the health, safety or general welfare of the public because: The materials that are being stored on the property are water based and solidify when exposed to air, and it is unlikely that they will get into the environment or will affect the general public.
9. Additional Information Required by the Ordinance.
  - a) All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
  - b) The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
  - c) Approval expires on 4/26/25 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.
  - d) Site Plan approval may be required.
  - e) The grandfathering of the preexisting, nonconforming use/structure (house) expires if use ceases for more than 2 years.

M. Mastenbrook seconded the motion.

Vote: All in favor, motion carried (4-0)

**Abutters' Hearing- Central Baptist Church:** Request for a Special Exception of Article 11.A.3.c of the Zoning Ordinance to create usable floor space by replacing an open deck with a mudroom. This request is after the fact. Property is located at 28 Karen Drive, 222-024-000-000, in the "RS" Zone ZBA #08-23Z.

**Current Considerations:**

Chairman Harris stated that at least three members of Board have viewed the site prior to this meeting, and that this property is not within the Aquifer Protection District. He also noted that there were no concerns from the Department Heads.

Chairman Harris stated 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.  
M. Mastenbrook seconded the motion.  
Vote: All in favor, motion carried (4-0)

Aaron Webb, the pastor for Central Baptist Church, was present for the application. He lives at the location and stated that he replaced a rotting deck with a mudroom in order to have a place to hang their coats and leave their shoes.

**MOTION:**

J. Froumy moved to grant a Special Exception of Article 11.A.3.c of the Zoning Ordinance to create usable floor space by replacing an open deck with a mudroom. This request is after the fact. Property is located at 28 Karen Drive, 222-024-000-000, in the "RS" Zone ZBA #08-23Z. Central Baptist Church, as it meets the criteria listed below:

1. The proposal is specifically authorized as a special exception by the ordinance: It is.
2. The proposal satisfies applicable Special Exception criteria set forth in Ordinance Article 13.F. Not Applicable.
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 because: It's an expansion of usable floor space in a residence, and that type of use would not create noise, fumes, dust, odor, lighting, smoke or other impacts.
4. The proposed location is of adequate size because: It is a small mudroom attached to the house; it's not encumbering on any other properties.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety because: The modification of the structure will not increase the number of people or cars.
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 because: It requires no site changes, so there would be no drainage changes. Plumbing is not required for a mudroom, so there is no draw on the sewer or septic systems because of this addition.
7. The proposal does not create excessive demand for municipal services and facilities because: It does not increase the occupancy of the residence.
8. The proposal does not create hazards to the health, safety or general welfare of the public because: As a mudroom, it doesn't provide additional occupancy areas.
9. Additional Information Required by the Ordinance.
  - f) All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
  - g) The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
  - h) Approval expires on 4/26/25 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.
  - i) Site Plan approval may be required.
  - j) The grandfathering of the preexisting, nonconforming use/structure (house) expires if use ceases for more than 2 years.

M. Mastenbrook seconded the motion.  
Vote: All in favor, motion carried (4-0)

**Abutter's Hearing-JCB-LLC:** Request for a Variance of Article 11.A.3.f to construct a two-family residence closer (25') to the front setback than allowed (50'). Property is located at 70 Sunset Drive, 107-150-000-007 in the "RS" zone. ZBA #09-23Z

It was noted that the two abutters' hearings for JCB LLC are for the same project, it requires two variances, however, it will be presented together as it is one structure.

**Current Considerations:**

Chairman Harris stated that at least three members of Board have viewed the site prior to this meeting, and that this property is within the Aquifer Protection District. He also noted that there were no concerns from the Department Heads.

Chairman Harris stated 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:** J. Froumy moved that the proposals do not have a potential regional impact.  
M. Mastenbrook seconded the motion.  
Vote: All in favor, motion carried (4-0)

Chris Bouchard was present for his application. He stated that they are proposing to demolish the existing 3 family dwelling and the garage, and replace it with a new foundation, new multi-level 2 family home with a garage. The new structure will be 28% smaller than the existing structure.

J. Froumy stated to the Board that after a bit of research they found that the use as a multi-family home in the residential single zone has been grandfathered in and they would want to be sure to note that in the record. Because this use is going from a 3-family home to a 2-family home, becoming more nearly conforming, the use cannot go back to a 3-family home.

**MOTION:** J. Froumy moved to grant a Variance of Article 11.A.3.f to construct a two-family residence closer (25') to the front setback than allowed (50'). Property is located at 70 Sunset Drive, 107-150-000-007 in the "RS" zone. ZBA #09-23Z, as it meets the following criteria:

1. The variance will not be contrary to the public interest because: It does not violate the explicit or implicit purpose of the ordinance, or the essential character of the neighborhood.
2. The spirit of the ordinance is observed because: Same answer as above.
3. Substantial justice will be done because: the benefit should not be outweighed by harm any loss to the applicant that is not outweighed by a gain to the general public is an injustice

4. The variance would not diminish the value of surrounding properties because: The structure that is being put up will be a brand-new house, aesthetically improvement over that of the old.
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: , like so many other in the area, a very small lot, it's rather compact in that area so there are few choices to be made, the applicant has made an effort and reduced the footprint by 19% in a very difficult area. Literal enforcement would be an unnecessary hardship, and the proposed use is a reasonable one because: the property cannot be used in strict conformance with the ordinance.
6. Additional conditions
  - A. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
  - B. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
  - C. Approval expires on 4/26/25 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.

M. Mastenbrook seconded the motion

Vote: All in favor, motion carried (4-0)

**Abutter's Hearing-JCB-LLC:** Request for a Variance of Article 11.A.3.f to construct a two-family residence closer (17.7') to the side setback than allowed (25'). Property is located at 70 Sunset Drive, 107-150-000-007 in the "RS" zone. ZBA #10-23Z

**MOTION:**

J. Froumy moved to grant a Variance of Article 11.A.3.f to construct a two-family residence closer (17.7') to the side setback than allowed (25'). Property is located at 70 Sunset Drive, 107-150-000-007 in the "RS" zone. ZBA #09-23Z, as it meets the following criteria:

1. The variance will not be contrary to the public interest because: It does not violate the explicit or implicit purpose of the ordinance, or the essential character of the neighborhood.
2. The spirit of the ordinance is observed because: Same answer as above.
3. Substantial justice will be done because: the benefit should not be outweighed by harm any loss to the applicant that is not outweighed by a gain to the general public is an injustice
4. The variance would not diminish the value of surrounding properties because: The structure that is being put up will be a brand-new house, aesthetically improvement over that of the old.
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: , like so many other in the area, a very small lot, it's rather compact in that area so there are few choices to be made, the applicant has made an effort and reduced the footprint by 19% in

a very difficult area. Literal enforcement would be an unnecessary hardship, and the proposed use is a reasonable one because: the property cannot be used in strict conformance with the ordinance.

6. Additional conditions

- D. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
- E. The applicant and owner are solely responsible to comply with the approved plan and conditions of approval. Contractors should be sufficiently warned regarding same.
- F. Approval expires on 4/26/25 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.

M. Mastenbrook seconded the motion  
Vote: All in favor, motion carried (4-0)

## **OTHER BUSINESS**

### Minutes of March 22, 2023

**MOTION:** M. Mastenbrook moved to approve the minutes of March 22, 2023 as written.

J. Froumy seconded the motion.  
Vote: All in favor, motion carried. (4-0)

### Town Planner position:

K. Santoro addressed the Board regarding her promotion from Land Use Technician to Town Planner. She noted that she has been serving as Interim Planner since January.

## **ADJOURNMENT:**

**MOTION:** M. Mastenbrook moved to adjourn at 7:11 pm. The motion was seconded by J. Froumy and carried (4-0).

Respectfully submitted,



Susan M. Austin  
Land Use Administrative Assistant

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