



ZONING BOARD OF ADJUSTMENT

BELMONT, NH

Meeting Minutes of June 24, 2026
Belmont Mill & Zoom

Members Present: Chairman Peter Harris; Dana Silcock; Susan Bouthiette; Dennis Grimes & Mark Mastenbrook
Staff Present: Karen Santoro, Town Planner
Zoom: Daniel's iPhone, Sydney, Michelle's iPhone, and Nicolas Bowden.

6:00 Public Meeting

Chairman Harris 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 Zoom. He announced that any party experiencing any difficulty in accessing the meeting through Zoom at any point, should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

Abutter's Hearing – Belmont Landing, LLC: Applicant is proposing to convert the second-floor of a commercial space into residential apartments and is requesting the following relief: A variance from Article 5, Table 1 to allow multifamily housing in the Commercial Zone. (Table of Permitted Uses). Property is located at 171 Daniel Webster Highway, Tax Lot 101-022-000-000, in the Commercial Zone. ZBA Case # 16-26Z.

Attorney William Philpot, Craig Bailey, and Jamie O'Hara were present to discuss this application. W. Philpot distributed several documents relative to this project to the Board. He noted that one of the documents was New Hampshire House Bill 631, which permits residential building in a commercial zone. He also distributed a site plan that shows the 104 parking spaces, which he states would be sufficient for both floors. He stated that using a second floor for retail commercial is problematic, because the second floor has all of the necessities but it sat empty for 20 years. That shows that commercial aspect of the second floor doesn't seem to work. When it comes to a commercial setting, they want to be on the first floor. He stated that he also included a traffic count that was taken for 7 days over Memorial Day weekend. He stated that he believes it demonstrates that 104 parking spaces work. He stated that he did not indicate on the application how many multifamily units would be on the second floor. The applicant is seeking a variance for the second floor for multifamily. That number is a moving target to him, because the Planning Board would be deciding that. The jurisdiction for parking is with site plan review.

S. Bouthiette asked how many units were they planning. W. Philpot stated that with the presented parking plan, it could be as high as 35 or less if there is a mix of one bedroom and two bedrooms. He stated that it all depends on site plan review. He stated that if they are all one bedroom, there would be 35 apartments. M. Mastenbrook stated that the ZBA's concern was about safety of the community. J. O'Hara stated that each unit would vary a bit by size because it is a preexisting building, but the plan is 34 studio/micro apartments and one manager apartment. M. Mastenbrook asked what the hardship was for this application. W. Philpot stated that the property is distinguishable in that it contains two floors of commercial space while other abutting commercial properties only have ground floor commercial space. Because of that feature of the property, commercial space for the second floor has not been conducive to use as commercial retail space as the structure was built. The unique burden of the obsolete second floor space creates a hardship that severs the relationship between the property and its commercial zoning. Because it's a two story, and because the whole thing is zoned commercial it makes for an obsolete situation on the second floor. It hasn't been used for 20 years. M. Mastenbrook noted that right across the street from this property is a two-story commercial building that has businesses on the second floor. He asked why the applicant didn't just build office space and rent them out? He also noted that on July 1, this all becomes a moot point. He stated that he cannot see a hardship with this application. W. Philpot stated that the statute is

imposed from Concord on municipalities. It's not the traditional home rule situation, which towns have enjoyed for 150 years. He stated that he decided to bring this to the ZBA even though on July 1 it won't be necessary, in case the statute is contested. If it's contested before they get vested, then it will affect their ability to get it done.

J. O'Hara stated that he has a 3,400 sq. foot space that is unfinished. He would have finished it for a tenant if someone had wanted it. He also has another 3,400 sq. foot space that is finished, but it's empty. All of the space on the second floor is empty. All of the spaces on the second floor are subsidized. He stated that changing this space would help the housing shortage.

Discussion continued about the proposed units. After much discussion, the applicant withdrew his application.

Abutter's Hearing – Nicolas Bowden: Applicant is proposing to replace existing RV with a park model, a three-season porch, an 8 x 10 shed and is requesting the following relief:

- A Variance to Article 8.B.1 to place a park model closer (6') to an internal park road than is allowed (15').
- A Variance to Article 5 Table 2 to place an 8'x10' shed closer (1.5') to the front setback than is allowed (50').

Property is located at 13 Minor Circle, Tax Lot 117-015-000-005, in the Residential Single Zone. ZBA Case # 17-26Z.

M. Mastenbrook recused himself.

Craig Bailey from Bailey Engineering, Nicholas Bowden and Paula Bowden was present. He stated that they are proposing to place an 11' x 37' Park Model on site, set on a slab. They are also proposing a 10' x 28' add on room, and an 8'x 10' shed on the lot. This entire site is consumed by the 50' setback from Grey Rocks Road. They are seeking two variances, the front setback from Grey Rocks Road, and the 50' foot setback from the park's right of way.

Lot History:

10-30-2020 – Demolition permit
10-07-1982 – Building permit – Add second floor
10-16-2021 – Building permit – Single Family Home
10-04-2021 – Mechanical permit – Fireplace installation
01-27-2021 – Variances granted

Current Considerations:

The application meets the criteria for granting a Variance.

Development of Regional Impact

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.

Second: D. Silcock

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

DEPARTMENTAL RESPONSE:

Fire: No concerns

Police: No concerns

Water/Sewer: No comments

Public Works: No comments

Town Administrator: No comments

Code Enforcement Officer: No concerns

Conservation Commission: No comments.

Land Use Technician: No issues with the requested variances.

Assessing Administration: No issues or concerns.

Staff Comments:

Applicant is proposing to replace existing RV with a park model, a three-season porch, an 8 x 10 shed and is requesting the following relief:

- A Variance to Article 8.B.1 to place a park model closer (6') to an internal park road than is allowed (15').
- A Variance to Article 5 Table 2 to place an 8'x10' shed closer (1.5') to the front setback than is allowed (50').

Property is located at 13 Minor Circle, Tax Lot 117-015-000-005, in the Residential Single Zone. ZBA Case # 17-26Z.

C. Bailey read the five criteria to the Board.

1. The variance will not be contrary to the public interest because: We are located in an existing, non-conforming campground, and the interest of the public stops at the gate of the campground.
2. The spirit of the ordinance is observed because: Front setbacks are intended to maintain safe vehicular access and to contain occupants on site.
3. Substantial justice will be done because: In this campground setting, which as a whole is a pre-existing and non-conforming parcel, the proposal before the board seeks to make a more conforming site condition.
4. The variance would not diminish the value of surrounding properties because: all of the surrounding sites are campsites.
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 site in question is only 55' deep on average, which makes a 50' setback impossible.
 - and
 - b) the proposed use is a reasonable one because: The current campsite is 26% covered and the proposed improvements include a 31% increase. The predominant land use in the Winnisquam Beach resort is campsites, this is a reasonable use of the site.

C. Bailey stated that as they have stated before, tis is a campground that has been in operation since the 70's. He stated that he was a teenager setting most of the pins in the campground.

Paula Bowden stated that she is the co-owner of 13 Minor Circle, along with her son and daughter. She stated that her aunt and uncle started camping in Belmont in 1976, when it was called Winnisquam Beach Campground, which was owned by Mr. Nickerson. She stated that she spent summers camping with her aunt and uncle. Her parents decided to get their own tent, and they camped in their tent on the very same campground in the summer of 1979 and 1980. Ultimately, her mother no longer wanted to camp in a tent, so they bought a trailer in 1981. They have been camping on this lot since 1979. She grew up there, her children grew up there, and now her granddaughter is growing up there.

M. Mastenbrook asked if the site has winter water. P Bowden stated that it does not, they have water from April 15 until October 15.

MOTION: D. Silcock moved to grant a variance to Article 8.B.1 to place a park model closer (6') to an internal park road than is allowed (15') based on the following criteria:

1. The variance will not be contrary to the public interest because: We are located in an existing, non-conforming campground, and the interest of the public stops at the gate of the campground.
2. The spirit of the ordinance is observed because: Front setbacks are intended to maintain safe vehicular access and to contain occupants on site.
3. Substantial justice will be done because: In this campground setting, which as a whole is a pre-existing and non-conforming parcel, the proposal before the board seeks to make a more conforming site condition.
4. The variance would not diminish the value of surrounding properties because: all of the surrounding sites are campsites.
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 site in question is only 55' deep on average, which makes a 50' setback impossible.

and

- b) the proposed use is a reasonable one because: The current campsite is 26% covered and the proposed improvements include a 31% increase. The predominant land use in the Winnisquam Beach resort is campsites, this is a reasonable use of the site.

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 6/24/2028 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.

Second: S. Bouthiette

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

MOTION: D. Silcock moved to grant a variance to Article 5 Table 2 to place an 8'x10' shed closer (1.5') to the front setback than is allowed (50'), based on the following criteria:

1. The variance will not be contrary to the public interest because: We are located in an existing, non-conforming campground, and the interest of the public stops at the gate of the campground.
2. The spirit of the ordinance is observed because: Front setbacks are intended to maintain safe vehicular access and to contain occupants on site.
3. Substantial justice will be done because: In this campground setting, which as a whole is a pre-existing and non-conforming parcel, the proposal before the board seeks to make a more conforming site condition.
4. The variance would not diminish the value of surrounding properties because: all of the surrounding sites are campsites.
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 site in question is only 55' deep on average, which makes a 50' setback impossible.

and

- b) the proposed use is a reasonable one because: The current campsite is 26% covered and the proposed improvements include a 31% increase. The predominant land use in the Winnisquam Beach resort is campsites, this is a reasonable use of the site.

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 6/24/2028 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.

Second: D. Grimes

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

M. Mastenbrook returned to the table.

Abutter's Hearing -Jeffrey and Heather Deardorff: Applicant is proposing to build a porch and front entry and is requesting the following relief:

- A Variance from Article 5, Table 2, to build a porch closer (42.9') to front setback than is allowed (50').

- A Variance from Article 5, Table 2, to build a front entry porch closer (12.5') to the front setback that is allowed (50').
- A Variance from Article 5, Table 2, to build a front entry porch closer (6.5') to the side setback that is allowed (12.5').

Property is located at 6 Rodin Road, Tax Lot 111-055-000-000, in the Residential Single Zone. ZBA Case # 15-26Z.

This application was tabled until the July meeting.

MOTION: M. Mastenbrook moved to table ZBA Case # 15-26Z until July 22, 2026

Second: D. Silcock

Vote: All in favor, motion carried. (5/0)

Minutes of May 18, 2026

MOTION: M. Mastenbrook moved to approve the minutes of May 18, 2026, as written

Second: S. Bouthiette

Vote: All in favor, motion carried. (5/0)

STAFF REPORT

K. Santoro stated that the Land Use and Building office has been quite busy this month due to the time of year. She noted that going forward, the Land Use office will be closed to the public to allow the staff to catch up on paperwork. The building will remain open.

She also noted that on July 1, Hampshire House Bill 631, which permits residential building in a commercial zone, will go into effect.

NON-PUBLIC SESSION

MOTION: D. Silcock moved to enter non public session as deemed necessary per 91-A:3, II L, at 7:08 PM

Second: M. Mastenbrook

Roll Call Vote:

Peter Harris – yes

Mark Mastenbrook – yes

Dana Silcock – yes

Susan Bouthiette – yes

Dennis Grimes - yes

During nonpublic session, the Town Planner Karen Santoro updated the Zoning Board members on a legal matter and its current status.

MOTION: **S. Bouthiette moved to leave nonpublic session at 7:12 PM**

Second: D. Grimes

Roll Call Vote:

Peter Harris – yes

Mark Mastenbrook – yes

Dana Silcock – yes

Susan Bouthiette – yes

Dennis Grimes - yes

MOTION: D. Silcock moved to leave the nonpublic minutes unsealed

Second: M. Mastenbrook

Roll Call Vote:

Peter Harris – yes

Mark Mastenbrook – yes

Dana Silcock – yes

Susan Bouthiette – yes

Dennis Grimes - yes

ADJOURNMENT

MOTION: S. Bouthiette moved to adjourn at 7:13 PM

Second: D. Silcock

Vote: All in favor, motion carried. (5/0)

Respectfully Submitted,



Susan M. Austin
Land Use Assistant