

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING MEETING  
Thursday, January 2, 2025, at 6:00 PM  
Alton Town Hall**

**MEMBERS PRESENT**

Mark Manning, Chair  
Tom Lee, Vice Chair  
Frank Rich, Member  
Paul LaRochelle, Selectman's Representative  
Paul Monzione, Alternate Member

**OTHERS PRESENT**

Norma Ditri, Code Enforcement Officer  
Jessie MacArthur, Town Planner  
Jonathan and Amanda Norton, applicants  
Susan Phillips-Hungerford, Agent for applicants  
Mr. Keene  
Brad Rousseau  
Paul Zuzgo, Agent for applicants  
Dave Perella, Alton Bay Christian Conference Center  
Jonathan Tymann, Alton Bay Christian Conference Center

**CALL TO ORDER**

Chair Manning called the meeting to order at 6:00 PM.

**INTRODUCTION OF BOARD MEMBERS**

Roll Call was taken for the Board members and individuals present at Town Hall.

**APPOINTMENT OF ALTERNATES**

Chair Manning appointed Mr. Monzione to sit on the Board for this meeting.

**APPROVAL OF AGENDA**

No changes were made to the agenda.

**MOTION: To approve the agenda as presented. Motion by Mr. Lee. Second by Mr. Rich.**

**Motion passed unanimously.**

**STATEMENT OF THE APPEAL PROCESS**

The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds that the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal,

but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a Variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a Special Exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance have been or will be met.

1. CONTINUED APPLICATIONS

Case #Z24-44 Christopher Drescher Esq., Agent for Robert Flannery & Alton Pittsburg, LLC., Applicant and Owner	Map 31 Lot 35 208 Main Street	Administrative Appeal Residential Commercial Zone (RC)
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**An Administrative Appeal** is requested in reference to a Notice of Violation from the Code Official alleging unlawful storage of vehicles.

Mr. Monzione suggested the Board make a motion to continue the cases for Case Z24-44 and 47, as well as consider the number of continuances requested to date.

**MOTION: To continue Cases Z24-44 and 47. Motion by Mr. Monzione. Second by Mr. LaRochelle. Motion passed unanimously.**

Ms. Ditri stated she doesn't know how many times a continuance has been requested, noting the Administrative Appeal was filed before the Special Exception and both have been continued since the second meeting. Mr. Monzione noted the Special Exception wasn't submitted when the Administrative Appeal was initially received; the case was then continued from October. He noted three continuances are allowed before an applicant needs to reapply but part of the agreement between the Board and the applicant, continuances were necessary; he noted this would be the third continuance, but second at the request of the applicant for the Administrative Appeal.

Mr. Monzione questioned if one of the cases was accepted and the public hearing was opened; the record will need to be checked and addressed at the next meeting if needed.

CONTINUED AT APPLICANT'S REQUEST UNTIL 2-6-2025

Case #Z24-47 Christopher Drescher Esq., Agent for Robert Flannery & Alton Pittsburg, LLC., Applicant and Owner	Map 31 Lot 35 208 Main Street	Special Exception Residential Commercial Zone (RC)
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**A Special Exception** is requested for Article 401.D.17 for a Contractor's Yard.

CONTINUED AT APPLICANT'S REQUEST UNTIL 2-6-2025

Case #Z25-01 Susan Phillips-Hungerford, Agent for Jonathan & Amanda Norton, Owners	Map 43 Lot 37 348 Trask Side Road	Special Exception Lakeshore Residential Zone (LR)
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**A Special Exception** is requested for Article 400 Section 401.A.1 for an Accessory Dwelling Unit.

Chair Manning read the public notice into the record. The Board reviewed the application for completeness.

**MOTION: To accept the application for Case Z25-01 as complete. Motion by Mr. Monzione. Second by Mr. LaRochelle. Motion passed unanimously.**

Ms. Phillips-Hungerford, architect, stated she has been working with the Nortons on designing their accessory dwelling unit, which is on the second floor of the garage. She explained the garage was approved a couple years ago and she isn't sure if the intent at the time was for there to be an ADU, but now, with the current renovation project in the house, which involves removing the kitchen and bathroom, they want to make a space to live in during the renovation of the house. She confirmed there are two distinct structures at this time but the intent is to connect them to meet the requirements of the attached ADU regulations. Ms. Phillips-Hungerford stated building code requirements will be met with the proposed being ADU being on a second floor, with a fire rated door, an access point; there will only be one ADU on the lot; the proposed ADU is a studio with a bathroom and will be within the maximum square footage at 399 square feet; there will be a side entrance door; there is adequate room for four parking spaces and set back off the street. She stated that with regard to the septic system, the designer has been consulted about the project and doesn't see any issues with the addition of the ADU space; the current system is a three bedroom system. Ms. Phillips-Hungerford stated the primary single family dwelling and the ADU will be the residence of the property owner. It will not be turned into a condominium.

Mr. Rich asked how much square footage is in the existing residence. Ms. Phillips-Hungerford stated it is 2,574.5 square feet; 30% of that would be 901 square feet.

Mr. Monzione asked if there is an elevation for the entire building with the garage. Ms. Phillips-Hungerford stated they only have a partial; they have the existing structure as well as plans depicting the connector between the house and garage, which is less than 6 feet in the front and 20 feet in the back. Mr. Monzione noted the proposed ADU is less than 897 square feet; he noted the requirement also can't be more than 50% of the accessory structure but this will meet that requirement. It was confirmed the ADU would be in an accessory structure; Mr. Monzione questioned if it needed to be attached. Ms. Phillips-Hungerford noted it is required because the property is in the Lake Shore Residential Zone and a Special Exception is needed.

The Board reviewed the tax map information regarding the square footage of the existing house; there was discussion whether the connector would be calculated within the total square footage of the ADU.

Mr. Rich asked if the applicant intends to upgrade the septic design; he stated if this is approved, there needs to be a condition requiring NH DES septic system approval for an ADU compliant system. Ms. Phillips-Hungerford confirmed they are.

Mr. Monzione noted a department head report was received from the Fire Department, indicating there will be requirements for egress windows.

128

129 Mr. Rich asked if there is currently electricity in the garage. It was confirmed there is electricity  
130 in the garage but no plumbing systems at this time.

131

132 Chair Manning opened the hearing to input from the public.

133

134 Mr. Keene, resident and abutter, stated he has known the Nortons for many years and is in  
135 support of the proposal. He stated it won't impede any one else in the neighborhood.

136

137 Brad Rousseau, abutter, stated he is support of the proposal but is concerned about the septic  
138 system requirements; he wants to be sure it meets the 600 gallon ADU requirement.

139

140 Mr. Lee noted written letters were received from two abutters: Nancy and James Banks, and  
141 Richard Guarino. These were read into the record. Both are supportive of the proposal.

142

143 Chair Manning closed the hearing to input from the public.

144

145 The Board worked through the Special Exception worksheet.

146

147 ***Discussion – Case #Z25-01***

148 *The Board must find that all the following conditions are met in order to grant the Special*  
149 *Exception:*

150 Chair Manning stated that a plat/plan **has** been submitted in accordance with the appropriate  
151 criteria in the Zoning Ordinance, Article 520.B. The Board agreed.

152 Mr. Lee stated the specific site **is** an appropriate location for the use. The Board agreed.

153 Mr. Rich stated that actual evidence **is not** found that the property values in the district will be  
154 reduced due to incompatible land uses. No factual evidence was submitted to indicate values  
155 would be diminished. The Board agreed.

156 Mr. LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He  
157 stated there was no objection from abutters or any other objections; all the work proposed will be  
158 interior. Mr. Monzione stated there is compatible land use; no evidence was presented to indicate  
159 values would be reduced but its a good project and values will probably be increased. The Board  
160 agreed.

161 Mr. Monzione stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular  
162 traffic, including the location and design of access-ways and off-street parking. The Board  
163 agreed.

164 Mr. Lee stated adequate and appropriate facilities and utilities **will** be provided to ensure the  
165 proper operation of the proposed use or structure. The Board agreed.

166 Chair Manning stated there **is** adequate area for safe and sanitary sewage disposal and water  
167 supply; the approval is conditional on review and approval of the septic system by NH DES. The  
168 Board agreed.

169 Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and  
170 the intent of the Master Plan. He stated the ADU is consistent with the Master Plan and the

ordinances within the Town; the applicant is making every effort to ensure it complies with the ADU septic system. Mr. LaRochelle stated it maintains the rural character of the Lake Shore Residential district. The Board agreed.

**MOTION: To grant the request for a Special Exception for Case #Z25-01 with the condition that all State and local requirements are met for the appropriate septic design for ADU requirements. Motion by Mr. LaRochelle. Second by Mr. Monziona. Motion passed unanimously.**

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Case #Z25-02 Susan Phillips-Hungerford, Agent for Jonathan & Amanda Norton, Owners	Map 43 Lot 37 348 Trask Side Road	Equitable Waiver Lakeshore Residential Zone (LR)
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**An Equitable Waiver** is requested for Article 300 Section 327.A.2 for an existing structure within the front setback.

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Chair Manning read the public notice into the record. The Board reviewed the application for completeness.

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**MOTION: To accept the application for Case Z25-02 as complete. Motion by Mr. LaRochelle. Second by Mr. Lee. Motion passed unanimously.**

187

Ms. Phillips-Hungerford explained that when the garage was constructed, there were some issues with boulders and designing the parking area to remain within the setbacks; the contractor thought everything was resolved but when they came before the Board for an ADU and a new survey was done, it was discovered the building was encroaching the setback by 12". She stated the intent was not to go over the setback but they were trying to maneuver around the rocks; she stated it is less than 2% of the building is over the setback and its just a corner. Ms. Ditri noted there is a large 30 foot right of way in this area.

195

Mr. Rich asked how much square footage is encroaching on the setback. Ms. Phillips-Hungerford stated it is approximately 5 square feet.

198

Mr. Monziona asked when the garage was built. It was noted the design plans are dated September 2023 and built that winter; Ms. Phillips-Hungerford confirmed the building complies with the building permit application plans. Mr. Monziona stated the Town would have approved the building as is with the final inspection and no encroachment was indicated at that time.

203

Chair Manning opened the hearing to input in favor of the application from the public.

205

Mr. Rousseau stated this is a good example of why code enforcement is necessary and they need to be watching these types of things. He stated he doesn't believe the update of the septic is going to be possible as the land on the road won't support the septic system size for an ADU.

209

Chair Manning opened the hearing to input in opposition to the application from the public. None was indicated.

212

Chair Manning closed the public hearing.

Ms. Ditri stated on August 30, 2023, a building permit was received for a garage; the plans submitted by the contractor show the garage placed on the lot with a 25 foot setback with reference to the property line.

The Board worked through the Equitable Waiver of Dimensional worksheet.

**Discussion - Equitable Waiver of Dimensional Requirements:**

*a) That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value.*

The Board agreed.

*b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner 's agent or representative, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;*

The Board agreed.

*c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.*

Mr. Rich noted the building encroaches the setback by approximately 5 square feet which is immeasurably compared to the 56 feet to the road; he stated it will not diminish any values of property in the area or interfere with any future uses of this or other properties. Mr. Monziona stated it such a small amount of square feet, it is insignificant. Mr. Mankus stated accuracy is an important factor for code enforcement. The Board agreed.

*d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.*

Mr. LaRochelle stated this violation was overlooked by inspection and it would be more detrimental to the property owner to do anything other than have the equitable waiver. The Board agreed.

**MOTION: To grant the request for an equitable waiver for Case #25-02. Motion by Chair Manning. Second by Mr. Mankus. Motion passed unanimously.**

Case #Z25-03 Prospect Mountain Survey, Paul Zuzgo, Agent	Map 7 Lot 4 597 Avery Hill	Variance Rural Zone (RU)
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for Bruce & Victoria Kennedy, Owners	Road	
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258 **A Variance** is requested for Article 400 Section 452.B for creating a new lot not having 200 feet  
259 of road frontage in the Town of Alton.

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261 Chair Manning read the public notice into the record. The Board reviewed the application for  
262 completeness.

263

264 **MOTION: To accept the application for Case Z25-03 as complete. Motion by Mr.**  
265 **LaRochelle. Second by Mr. Lee . Motion passed unanimously.**

266

267 Paul Zuzgo, representative for the applicants, stated they applied for a subdivision and were  
268 advised a variance is needed for the road frontage. He explained part of the lot is in Gilmanton  
269 and they need part of the frontage that is in another town, to meet the road frontage requirements  
270 for Alton, per the definitions. He stated the driveway will be in Alton; they have discussed the  
271 plans with Gilmanton and there are no requirements there. The Board reviewed and discussed the  
272 ordinance. Mr. Monzione suggested that approval from the Planning Board is needed for the lot  
273 as its not on a lawful road in Alton, or a variance is needed as the lot doesn't have the 200 feet.  
274 Mr. Zuzgo stated the lot has frontage, but its just not all in Alton. Chair Manning stated he  
275 discussed this with the Town Planner; there is no precedent and this issue has not come before  
276 the Board. The Board discussed whether the application is necessary; it was agreed to move  
277 forward with a review of the variance criteria.

278

279 Mr. Zuzgo agreed with proceeding with a variance instead of going back to the Planning Board,  
280 and potentially returning to the ZBA for a variance.

281

282 It was noted there is 50 feet in Alton with the remaining frontage of 152 feet in Gilmanton; Mr.  
283 Zuzgo confirmed the lot and frontage are contiguous. Mr. Monzione noted this is a unique  
284 circumstance of the property. It was confirmed there are no roadway obstructions. Mr. Zuzgo  
285 stated there is an existing driveway and the two lots will have a shared driveway. Mr. Kennedy  
286 stated the driveway has been used as a turn around area for many years by both the Alton and  
287 Gilmanton school buses.

288

289 The new lot would have 7.47 acres, all in Alton; the parent lot would be 173 acres.

290

291 Chair Manning opened the hearing to input from the public. None was indicated.

292

293 Chair Manning closed public input.

294

The Board reviewed the Variance worksheet.

295

**Discussion – Case #Z25-03**

296

*The Board must find that all the following conditions are met in order to grant the Variance:*

297

Chair Manning stated granting the variance **would not** be contrary to the public interest. The  
298 Board agreed.

299

Mr. Lee stated the request **is** in harmony with the spirit of the ordinance and the intent of the

Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He stated this is a unique situation with the location of the land and the property line with another town; there won't be any changes that alter the character. The Board agreed.

Mr. Rich stated that by granting the variance, substantial justice will be done. He stated this case is an anomaly; it is not going to change the frontage that is required for a property of this size. The Board agreed.

Mr. LaRoche stated the values of surrounding properties will not be diminished. There has been no evidence presented that would indicate values would be diminished. He stated nothing on the road is changing. The Board agreed.

Mr. Monziona stated that for the purposes of this subparagraph, "*unnecessary hardship*" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- ii. *The proposed use is a reasonable one.*

Mr. Monziona stated the proposed use is reasonable. He stated this lot is unique in that the road frontage is located in two towns. The Board agreed.

**MOTION: To grant the request for a Variance for Case #Z25-03. Motion by Mr. Monziona. Second by Mr. Rich. Motion passed unanimously.**

#### OTHER BUSINESS

##### 1. Previous Business:

##### 2. New Business: The Board reviewed the following:

- a. *Board to address the application for extension of decision dated 10/23/2023 to amend approval for: Case #Z21-22, Alton Bay Christian Conference Center, Beacon Ave.*
- b. *Board to address the application for extension of decision dated 10/23/2023 to amend approval for: Case # Z21-23, Alton Bay Christian Conference Center, Beacon Ave.*
- c. *Board to address the application for extension of decision dated 10/23/2023 to amend approval for: Case #Z21-24, Alton Bay Christian Conference Center, Beacon Ave.*

Mr. Perella explained Brad Smith requested extensions and a hearing was held in September 2023, but no formal documentation was received confirming the approval of the extensions; he stated one year extensions were initially requested. He stated two of the projects are nearing completion but the third is not and they would like to request an 18 month extension. The Board discussed whether State statute allows for an 18 month extension; it is unknown what the limit is. Mr. Mankus noted per the regulations there is a two year limit and then a one year extension can be requested. Mr. Monziona noted the plans cannot be changed or altered; it is only an extension



for the proposals approved by the Board. After discussion, it was agreed there needs to be legal advice to confirm an approval is allowable. It is unclear if the original approvals have in fact expired or whether there is legal basis for extension.

**MOTION: To approve the extension for Case Z21-22 for twelve months from the date of expiration, 10/23/2024, contingent on approval by Town Counsel. Motion by Mr. Monziona. Second by Mr. Rich. Motion passed unanimously.**

**MOTION: To approve the extension for Case Z21-23 for twelve months from the date of expiration, 10/23/2024, contingent on approval by Town Counsel. Motion by Mr. Monziona. Second by Mr. Rich. Motion passed unanimously.**

**MOTION: To approve the extension for Case Z21-24 for twelve months from the date of expiration, 10/23/2024, contingent on approval by Town Counsel. Motion by Mr. Monziona. Second by Mr. Rich. Motion passed unanimously.**

*d. Approval of ZBA meeting schedule*

By consensus, the Board approved the meeting schedule as presented.

*e. Tom Lee and Tim Morgan are up for reelection in 2025. January 27 through January 31, 2025, is the timeline to file with the Town Clerk.*

Mr. LaRochelle stated he won't be running again for the Board of Selectmen; he explained he was initially appointed as the BOS representative to the ZBA; however that is not a legally required position and suggested his seat be opened for an alternate to complete his final year of his appointment.

**3. Approval of Minutes: ZBA meeting minutes of November 7, 2024**

Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. Lee. Second by Mr. Monziona. Motion passed unanimously.**

**4. Correspondence: None.**

**MOTION: To adjourn the meeting. Motion by Mr. Rich. Second by Mr. LaRochelle. Motion passed unanimously.**

The meeting was adjourned at 8:32 PM.

Respectfully Submitted,

Jennifer Riel, Recording Secretary