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**TOWN OF ALTON**  
**ZONING BOARD OF ADJUSTMENT**  
**PUBLIC HEARING MEETING**  
**Thursday, January 4, 2024, at 6:00 P.M.**  
**Alton Town Hall**

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**MEMBERS PRESENT**

Frank Rich, Vice Chair  
Paul LaRochelle, Selectman's Representative  
Tim Morgan, Member  
Joe Mankus, Alternate Member

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**OTHERS PRESENT**

Jessica Call, Town Planner  
Robin McClain, Land Use Assistant  
Joseph & Janet Boccelli, Owners  
Tom Varney, Varney Engineering LLC  
Josh Thibault, Varney Engineering LLC  
Glenn and Barbara Wilson, Applicants  
Tina Belcastro, Owner  
Tom Foster, abutter

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**CALL TO ORDER**

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

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**INTRODUCTION OF BOARD MEMBERS**

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

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**APPOINTMENT OF ALTERNATES**

Vice Chair Rich stated an alternate will be needed for this meeting.

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**MOTION: To have Mr. Mankus sit on the Board for this meeting. Motion by Mr. LaRochelle. Second by Mr. Morgan. Motion passed unanimously.**

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**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.

45

46 **APPROVAL OF AGENDA**

47 Ms. Call stated a request for a continuance was received for Case Z23-31 and 32 to the next  
48 meeting, February 1, 2024.

49

50 Ms. Call stated the case for #Z24-01 and Z24-02 also need a variance from Section 355, which is  
51 the campground section as the request is to change from seasonal to year-round use. She  
52 suggested these two cases be continued as the variance would need to be granted prior to  
53 entertaining the special exceptions. She stated a permission letter was received from the Alton  
54 Bay Christian Conference Center Association and Brad Smith, to rebuild the cottage but per the  
55 regulations of the campground, #13 requires approval by the Board of Directors and review by  
56 the executive committee to allow year-round use of any building on the property.

57

58 **MOTION: To approve the agenda as amended. Motion by Mr. LaRochelle. Second by Mr.**  
59 **Morgan. Motion passed unanimously.**

60

61 **CONTINUING PUBLIC HEARINGS**

<b>Case #Z23-32, Joseph &amp; Janet Boccelli, Owners</b>	<b>Map 63 Lot 38 16 Legacy Landing</b>	<b>Special Exceptions Lakeshore Residential (LR) Zone</b>
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62 **Special Exceptions** are requested from **Article 300 Section 320.J Replacement of**  
63 **Nonconforming Structures**, to permit the replacement and expansion of a house that is also a  
64 nonconforming use due to multiple dwelling units on a lot (3 homes).

65

66 **MOTION: To continue the public hearing for Case #Z23-31 and #Z23-32 to February 1,**  
67 **2024. Motion by Mr. Morgan. Second by Mr. Larochelle. Motion passed unanimously.**

68

<b>Case #Z23-31 Joseph &amp; Janet Boccelli, Owners</b>	<b>Map 63 Lot 38 16 Legacy Landing</b>	<b>Variance Lakeshore Residential (LR) Zone</b>
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69 A **variance** are requested from **Article 300 Section 327.A.1 Setback Requirements**  
70 **(Shorefront)** to permit replacement and expansion of a house within the 30' shorefront setback.

71

72 *Continued to February 1, 2024.*

73

74 **NEW APPLICATIONS**

<b>Case #Z24-01 Wilson Trust, Glenn &amp; Barbara Wilson, Agents and Applicants for ABCA Brad Smith, Owner</b>	<b>Map 34 Lot 33-60 139 Mitchell Avenue</b>	<b>Special Exception Residential Zone (R)</b>
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75 A **Special Exception** is requested from **Article 300 Section 320.F** to permit to remove and  
76 replace existing cottage eleven (11) feet back from road.

77

78 The Board reviewed the application for completeness. Vice Chair Rich asked the Wilsons to  
79 explain the application further and to clarify if they intend to have the cottage for year-round us.

80 The Wilsons indicated they do want to have the opportunity for year-round use. Vice Chair Rich

81 stated it was just brought to the attention of the Board that Brad Smith approved the rebuilding of  
82 the home but it was not mentioned that there would be a change from seasonal to year-round use.  
83 Mr. Wilson stated their Building and Development application to the campground association  
84 board does indicate their intention to change the use and that is the form which Mr. Smith  
85 approved. The Board reviewed and discussed the information presented. Ms. Wilson stated they  
86 have also been approved by the association to bring in year-round water to the home.

87  
88 Mr. Morgan questioned whether the campground association is subject to Section 355; he stated  
89 it has been accepted as a nonconforming property and referenced the definitions for  
90 campgrounds and stated it doesn't fit; he suggested only the special exceptions are needed. Mr.  
91 Morgan stated he is comfortable with the application as it has been presented. The Board agreed.

92  
93 **MOTION: To accept the applications for Case #Z24-01 and #Z24-02 as complete. Motion**  
94 **by Mr. Morgan. Second by Mr. LaRochelle. Motion passed unanimously.**

95  
96 Mr. Wilson stated they have an old cottage that is leaning and sliding down; after discussing the  
97 problems with multiple contractors, the suggestions were to demolish the existing cottage and  
98 rebuild instead of trying to renovate the structure. He explained the campground has asked that  
99 they move the foundation back from the corner of the road. The footprint of the building will  
100 remain the same size and the new structure will be built to current codes and standards. They  
101 intend to put in a full foundation. The existing cottage has 2 bedrooms and the proposed is 2  
102 bedrooms; the footprint size will remain the same.

103  
104 Mr. Morgan stated he has concerns with how this application is captioned, noting the owner is  
105 indicated as Brad Smith but in the warranty deed, it indicates the Wilsons are the owner; he  
106 suggested edits to the application. The Board agreed Mr. Smith is not the owner of the home.  
107 Ms. Call stated typically applications for properties within the Alton Bay Christian Conference  
108 Center Association lists ABCA as the owner, not Mr. Smith. It was agreed clarification is needed  
109 on the application.

110  
111 Vice Chair Rich opened the hearing to input from the public. None was indicated.

112  
113 Vice Chair Rich closed the public hearing.

114  
115 The Board worked through the Special Exception worksheet.

116  
117 **Discussion – Case #Z24-01**

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

120 Mr. LaRochelle stated that a plat/plan **has** been submitted in accordance with the appropriate  
121 criteria in the Zoning Ordinance, Article 520.B. The Board agreed.

122 Mr. Mankus stated the specific site **is** an appropriate location for the use. Mr. Morgan stated the  
123 use of the structure is not changing and will remain a residence. The Board agreed.

124 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be  
125 reduced due to incompatible land uses. He stated all the land in the area is used in the same way.  
126 No factual evidence was submitted to indicate values would be diminished. The Board agreed.

127 Mr. Rich stated there **is no** valid objection from abutters based on demonstrable fact. The Board  
128 agreed.

129 Mr. LaRoche stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular  
130 traffic, including the location and design of accessways and off-street parking. He stated a home  
131 is being rebuild in the same location but being moved back further from the road; the access  
132 ways and off-street parking are not changing. The Board agreed.

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

135 Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply.  
136 The Board agreed.

137 Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and  
138 the intent of the Master Plan. He stated the new home will replace an older cottage and based on  
139 the plan presented, it will be consistent with the Master Plan. The Board agreed.

140 **MOTION: To approve the request for a Special Exception for Case #Z24-01. Motion by**  
141 **Mr. Morgan. Second by Mr. LaRoche. Motion passed unanimously.**

142

<b>Case #Z24-02</b> <b>Wilson Trust, Glenn &amp; Barbara</b> <b>Wilson, Agents and Applicants for</b> <b>ABCA Brad Smith, Owner</b>	<b>Map 34 Lot 33-60</b> <b>139 Mitchell Avenue</b>	<b>Special Exception</b> <b>Residential Zone (R)</b>
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143 A **Special Exception** is requested from **Article 300 Section 320.D** to permit to expansion of use  
144 changing cottage from seasonal to year round use.

145

146 Vice Chair Rich opened the hearing to input from the public. None was indicated.

147

148 Vice Chair Rich closed the public hearing.

149

150 The Board worked through the Special Exception worksheet.

151

152 **Discussion – Case #Z24-02**

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

155 Mr. Mankus stated that a plat/plan **has** been submitted in accordance with the appropriate criteria  
156 in the Zoning Ordinance, Article 520.B. The Board agreed.

157 Mr. Morgan stated the specific site **is** an appropriate location for the use. He stated the use of the  
158 structure is not changing and will remain a residence. The Board agreed.

159 Mr. Rich stated that actual evidence **is not** found that the property values in the district will be  
160 reduced due to incompatible land uses. No factual evidence was submitted to indicate values

161 would be diminished. The Board agreed.

162 Mr. LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He  
163 stated this will be a major improvement. The Board agreed.

164 Mr. Mankus stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,  
165 including the location and design of accessways and off-street parking. He stated the access ways  
166 and off-street parking are not changing. Mr. Morgan stated there will be improvements with the  
167 traffic design by moving the house back from the road. The Board agreed.

168 Mr. Morgan stated adequate and appropriate facilities and utilities **will** be provided to ensure the  
169 proper operation of the proposed use or structure. He stated there will be year-round water an  
170 sewage disposal. The Board agreed.

171 Mr. Rich stated there **is** adequate area for safe and sanitary sewage disposal and water supply.  
172 The Board agreed.

173 Mr. LaRochelle stated the proposed use or structure **is** consistent with the spirit of this ordinance  
174 and the intent of the Master Plan. He stated this is exactly what they like to see in accordance  
175 with the Master Plan and is a major improvement.

176 **MOTION: To approve the request for a Special Exception for Case #Z24-02. Motion by**  
177 **Mr. LaRochelle. Second by Mr. Morgan. Motion passed unanimously.**

178

<b>Case #Z24-03 Varney Engineering, LLC, Tom Varney, Agent for The Tina M Belcastro Revocable Trust, Tina Belcastro, Trustee and Owner</b>	<b>Map 49 Lot 31-2 12 Boat Cove Road</b>	<b>Variance Lakeshore Residential (LR) Zone</b>
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179 **A Variance is requested from Article 300 Section 300.H.4 to permit an existing deck partially**  
180 **in setback area to be converted to living space.**

181

182 Vice Chair Rich read the public notice into the record. The Board reviewed the application for  
183 completeness.

184

185 **MOTION: To accept the application for Case #Z24-03 as complete. Motion by Mr.**  
186 **LaRochelle. Second by Mr. Rich. Motion passed unanimously.**

187

188 Tom Varney, Varney Engineering, representative for the applicant, stated the plans are to  
189 demolish the existing house and replace it with a new house; the new house will be expanded to  
190 the back within the existing deck area. The roof line will be reconfigured, the existing deck will  
191 be converted to a porous patio. The building size is reduced from 1058 square feet to 840 square  
192 feet; the lot size coverage is reduced from 46.4% to 39%; existing water and septic systems will  
193 remain the same; the septic system is approved by the State of New Hampshire; a NH DES  
194 Shoreline Permit will be required. Mr. Varney stated the lot is tiny, about 4,000 square feet;  
195 plans and survey report were presented for review as well as photos of the land. He stated the  
196 road is a private road; he confirmed Ms. Belcastro owns the land across the street as well as the  
197 land the septic system is on; the water supply is the Town water line. Mr. Varney stated the

198 house will encroach into the side setback by 1 foot; a deck on the right will also encroach on a  
199 site setback. Mr. Varney outlined the stormwater management plan which includes porous patio  
200 pavers; he stated the driveway is crushed stone. He stated a variance is needed to expand into the  
201 side setbacks and to expand upwards. It was confirmed the new height will within a foot of the  
202 current height.

203  
204 The Board reviewed the staff reviews presented. It was noted the Conservation Commission has  
205 concerns about approval of porous pavement and pavers without assurance of maintenance  
206 procedures. Mr. Varney stated the NH DES Shoreline Permit will include a maintenance manual.  
207 It was noted the rain gutters will be connected to the porous patio; it was also noted about 190  
208 square feet will be the portion that is nonconforming. The living space will be 43 square feet  
209 nonconforming.

210  
211 Vice Chair Rich opened the hearing to input from the public. An abutter stated she is in favor of  
212 the proposal.

213  
214 Tom Foster, abutter, stated he is concerned about the construction taking place during the  
215 summer months; he stated it will block the right-of-way and he wants to be ensured they have  
216 access from May to September, particularly for emergency vehicles.

217  
218 Vice Chair Rich asked Ms. Belcastro how she would address the abutter's concerns for access.  
219 Ms. Belcastro stated she doesn't know and is only in the beginning process with planning; she  
220 will have to discuss with the contractors. Mr. Morgan suggested there be a condition to ensure  
221 the right-of-way access is maintained. Mr. LaRoche agreed.

222  
223 Vice Chair Rich closed the public hearing.

224  
225 The Board worked through the Variance Worksheet.

226  
227 **Discussion – Case #Z24-03**

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

229 Mr. Morgan stated granting the variance **would not** be contrary to the public interest. He stated  
230 what the applicant is requesting is fairly minimal. Mr. Rich stated there is minimal impact on the  
231 property. The Board agreed.

232 Mr. Rich stated the request **is** in harmony with the spirit of the ordinance and the intent of the  
233 Master Plan to maintain the health, safety, and character of the direct district within which it is  
234 proposed. He stated measures are being taken to ensure the protection of the shoreline and the  
235 new home will improve the entire area. The Board agreed.

236 Mr. LaRoche stated that by granting the variance, substantial justice **will be** done. He stated  
237 the building is being reduced and the decks are being converted to porous patio areas. Mr.  
238 Morgan stated the benefit to the applicant outweighs any detriment to the Town. The Board  
239 agreed.

240 Mr. Mankus stated the values of surrounding properties **will not be** diminished. Mr. Morgan

241 stated no evidence was submitted to indicate there would be a diminution of the values of  
242 surrounding properties. The Board agreed.

243 Mr. Morgan stated that for the purposes of this subparagraph, “unnecessary hardship” means  
244 that, owing to special conditions of the property that distinguish it from other properties in the  
245 area:

246 i. No fair and substantial relationship exists between the general public purposes of  
247 the ordinance provision and the specific application of that provision to the  
248 property;

249 ii. The proposed use is a reasonable one.

250 Mr. Morgan stated the proposed use is reasonable and the request is reasonable. He stated the use  
251 is residential and it will remain residential; the hardship comes with the size of the property  
252 which is small and makes it difficult to stay out of the setbacks. The Board agreed.

253  
254 **MOTION: To grant the request for a variance to Article 300 Section 300.H.4 for Case**  
255 **#Z24-03, with the condition that the ingress and egress to other properties in the area will**  
256 **not be impacted during the summer months of May through September. Motion by Mr.**  
257 **Morgan. Second by Mr. LaRoche. Motion passed unanimously.**

258

<b>Case #Z24-04 Varney Engineering, LLC, Tom Varney, Agent for The Tina M Belcastro Revocable Trust, Tina Belcastro, Trustee and Owner</b>	<b>Map 49 Lot 31-2 12 Boat Cove Road</b>	<b>Special Exception Lakeshore Residential (LR) Zone</b>
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259 A **Special Exception** is requested from **Article 300 Section 320.H.3** to permit a nonconforming  
260 house to be expanded with change in roof line.

261

262 Vice Chair Rich read the public notice into the record. The Board reviewed the application for  
263 completeness.

264

265 **MOTION: To accept the application for Case #Z24-04 as complete. Motion by Mr.**  
266 **Morgan. Second by Mr. LaRoche. Motion passed unanimously.**

267

268 Vice Chair Rich opened the hearing to input from the public. An abutter stated she is in favor of  
269 the proposal.

270

271 Vice Chair Rich closed the public hearing.

272

273 The Board worked through the Special Exception worksheet.

274

275 **Discussion – Case #Z24-04**

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

278 Mr. LaRoche stated that a plat/plan **has** been submitted in accordance with the appropriate  
279 criteria in the Zoning Ordinance, Article 520.B. The Board agreed.

280 Mr. Mankus stated the specific site **is** an appropriate location for the use. He stated the use of the  
281 structure is not changing and will remain a residence. The Board agreed.

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

285 Mr. Rich stated there **is no** valid objection from abutters based on demonstrable fact. He stated  
286 this will be a major improvement. The Board agreed.

287 Mr. LaRoche stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular  
288 traffic, including the location and design of accessways and off-street parking. He stated the  
289 access ways and off-street parking are not changing. Mr. Morgan stated Mr. Foster had a concern  
290 with regard to access to his property and that will need to be considered if the Special Exception  
291 is approved. The Board agreed.

292 Mr. Mankus stated adequate and appropriate facilities and utilities **will** be provided to ensure the  
293 proper operation of the proposed use or structure. He stated the systems are existing. The Board  
294 agreed.

295 Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply  
296 and this is made clear in the proposal presented. The Board agreed.

297 Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and  
298 the intent of the Master Plan. He stated major improvements are being made and values will be  
299 increased. The Board agreed.

300 **MOTION: To approve the request for a Special Exception for Case #Z24-04 with the**  
301 **condition that the ingress and egress for abutters be maintained between the months of**  
302 **May and September. Motion by Mr. Morgan. Second by Mr. LaRoche. Motion passed**  
303 **unanimously.**

304  
305

<b>Case #Z24-05 Varney Engineering, LLC, Tom Varney, Agent for The Tina M Belcastro Revocable Trust, Tina Belcastro, Trustee and Owner</b>	<b>Map 49 Lot 31-2 12 Boat Cove Road</b>	<b>Special Exception Lakeshore Residential (LR) Zone</b>
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306 A **Special Exception** is requested from **Article 300 Section 320.J** to permit a replacement of  
307 nonconforming structures that are voluntarily removed.

308  
309 Vice Chair Rich read the public notice into the record. The Board reviewed the application for  
310 completeness.

311  
312 **MOTION: To accept the application for Case #Z24-05 as complete. Motion by Mr.**  
313 **Morgan. Second by Mr. LaRoche. Motion passed unanimously.**

314



315 Mr. Varney outlined the areas on the side of the building which would be encroaching on the  
316 side setbacks; the overall nonconformity is being reduced from the current condition.

317  
318 Vice Chair Rich opened the hearing to input from the public. Two abutters indicated they are in  
319 support of the proposal.

320  
321 Vice Chair Rich closed the public hearing.

322  
323 The Board worked through the Special Exception worksheet.

324  
325 **Discussion – Case #Z24-05**

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

328 Mr. Mankus stated that a plat/plan **has** been submitted in accordance with the appropriate criteria  
329 in the Zoning Ordinance, Article 520.B. The Board agreed.

330 Mr. Morgan stated the specific site **is** an appropriate location for the use. He stated the use of the  
331 structure is not changing and will remain a residence. The Board agreed.

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

335 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact. He  
336 stated there have been concerns from abutters regarding access to their property during the  
337 construction and that has been addressed. The Board agreed.

338 Mr. Mankus stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,  
339 including the location and design of accessways and off-street parking. He stated the access ways  
340 and off-street parking are not changing. The Board agreed.

341 Mr. Morgan stated adequate and appropriate facilities and utilities **will** be provided to ensure the  
342 proper operation of the proposed use or structure. He stated the systems are existing. The Board  
343 agreed.

344 Mr. Rich stated there **is** adequate area for safe and sanitary sewage disposal and water supply and  
345 this is made clear in the proposal presented. The Board agreed.

346 Mr. LaRoche stated the proposed use or structure **is** consistent with the spirit of this ordinance  
347 and the intent of the Master Plan. He stated major improvements are being made and values will  
348 be increased. The Board agreed.

349 **MOTION: To approve the request for a Special Exception for Case #Z24-05 with the**  
350 **condition that the ingress and egress for abutters be maintained between the months of**  
351 **May and September. Motion by Mr. Morgan. Second by Mr. LaRoche. Motion passed**  
352 **unanimously.**

353  
354 **OTHER BUSINESS**

355 **1. Previous Business: None.**

- 356           2. New Business: Mr. LaRochelle stated he has had discussions with Ms. McClain  
357           regarding distribution of application documents, whether a single packet can be done for  
358           cases by the same applicants. After discussion, the Board agreed duplicate information  
359           could be minimized.  
360
- 361           3. Approval of Minutes: ZBA meeting minutes of December 7, 2023 - Edits were made.  
362           **MOTION: To approve as amended. Motion by Mr. LaRochelle. Second by Mr.**  
363           **Morgan. Motion passed unanimously.**  
364
- 365           4. Correspondence: None.  
366

367 **ADJOURN**

368 **MOTION: To adjourn the meeting. Motion by Mr. LaRochelle. Second by Mr. Morgan**  
369 **Motion passed unanimously.**

370 The meeting was adjourned at 7:49 PM.

372 Respectfully Submitted,

373 *Jennifer Riel*

374 Jennifer Riel, Recording Secretary  
375