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TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, February 1, 2024, at 6:00 P.M.
Alton Town Hall

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MEMBERS PRESENT

Paul LaRochelle, Selectman's Representative
Mark Manning, Member
Tim Morgan, Member
Joe Mankus, Alternate Member

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OTHERS PRESENT

Jessica Call, Town Planner
Norma Ditri, Code Enforcement Officer
Joseph & Janet Boccelli, Owners
John Cronin, Esq., representative for applicants
Chris Salomon, Samyn-D'Elia Architects, P.A.
Cindy Theriault, P.E, Wilcox and Barton Inc.

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CALL TO ORDER

Mr. LaRochelle called the meeting to order at 6:00 PM. He stated Chair Lee and Vice Chair Rich were unable to attend so he would be acting as chair for this meeting.

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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

Mr. LaRochelle 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.

44 **APPROVAL OF AGENDA**

45 Ms. Call stated Case Z#23-29 was added and she recommended the Board address this prior to
46 continuing with the other cases.

47
48 **MOTION: To approve the agenda as amended. Motion by Mr. Morgan. Second by Mr.**
49 **Mankus. Motion passed unanimously.**

50
51 Mr. LaRochelle stated Case #Z24-06 and #Z24-07 will be continued to the March 7, 2024
52 meeting. He stated the parties involved are both applying for variances together.

53
54 Mr. LaRochelle stated Case #Z24-08 and #Z24-09 will be continued to the March 7, 2024
55 meeting for updated plans.

56
57 **POTENTIAL REHEARING REQUEST**

<i>Case #Z23-29</i> <i>John F. Bisson, Esq., Agent for</i> <i>Joseph & Janet Boccelli, Owners</i>	<i>Map 63 Lot 38</i> <i>16 Legacy Landing</i>	<i>Special Exception</i> <i>Lakeshore Residential (LR) Zone</i>
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58 A **Special Exception** is requested from Article 300 Section 320.D Expansion of a
59 Nonconforming Use, to permit the replacement and expansion of a house that is also a
60 nonconforming use due to multiple dwelling units on a lot (3 homes).

61
62 John Cronin, Esq., representative for the applicants, stated he is present on behalf of Mr. Bisson,
63 his colleague.

64
65 Mr. LaRochelle read a statement from the staff review into the record:
66 *Under the circumstances that took place on December 7, 2023 ZBA meeting, the Board does not*
67 *have the authority to forbid a use that is otherwise permitted by the Zoning Ordinance.*

68
69 Mr. Morgan stated what is being requested by Mr. Cronin is a rehearing. Mr. Cronin confirmed
70 that is correct. Mr. Morgan stated in part of the presentation, it indicates that in the minutes there
71 is indication that while the Boccelli's own the property, it would not be subject to short term
72 rentals and asked if they are still willing to agree to that. Mr. Cronin stated it is their intent but
73 they don't believe it is legal to make that restriction.

74
75 **MOTION: To amend the conditional approval for Case #Z23-29 made on December 7,**
76 **2023, be removed, the restriction that the home becomes the Boccelli's residence is**
77 **restricted from short term rentals in perpetuity. Motion by Mr. LaRochelle. Second by Mr.**
78 **Morgan. Motion passed unanimously.**

79
80 **CONTINUING PUBLIC HEARINGS**

<i>Case #Z23-31</i> <i>John F. Bisson, Esq., Agent for</i> <i>Joseph & Janet Boccelli, Owners</i>	<i>Map 63 Lot 38</i> <i>16 Legacy Landing</i>	<i>Variance</i> <i>Lakeshore Residential (LR) Zone</i>
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81 A **Variance** is requested from **Article 300 Section 327.A.1 Setback Requirements**
82 **(Shorefront)** to permit replacement and expansion of a house within the 30' shorefront setback.

83
84 Mr. Cronin stated this case is an effort to rebuild a prior nonconforming structure on this lot; he
85 stated it is an old lakefront lot with three houses on it; the largest house they want to remove and
86 replace to make their home. He stated when that was approved at a previous meeting, there were
87 concerns about the height so the plans have been corrected and resubmitted. Mr. Cronin stated
88 the variance is needed for the deck that is within the setback, noting it conflicts with the State
89 law which allows a deck to go towards the reference line and a NH DES permit is required. He
90 stated approval was secured from NH DES for this construction and the deck. Mr. Cronin stated
91 the building was moved back 2 feet as required by the State; the actual deck will encroach about
92 14 feet and 16 feet at the corners. He stated the intent of the ordinance is privacy and fire
93 protection and the setback is to benefit the lake and the State; he stated the State has looked at
94 the proposal and is fine with it. Mr. Cronin stated the essential character of the neighborhood will
95 not be changed; a newer and better house will be moved back from the shore; the deck will be
96 consistent with what the State wants to see around the lake. The number of bedrooms is going to
97 be reduced. He stated with respect to harm to the public, the deck is on the lakeside and isn't
98 visible to anyone but those on the lake and the State has been satisfied with the plan; it is not
99 going to be a burned on public services. He stated the Boccelli's intend to make this their home
100 as opposed to a rental. Mr. Cronin stated now that the house has been adjusted to meet the 35
101 height limit, they don't believe there will be any diminution in market value. He stated the reason
102 for a setback to the lake doesn't affect traffic or circulation issues; the physical features of the
103 property can't be change, it is preexisting and nonconforming; he stated the use of a deck on a
104 lakeside property is reasonable.

105
106 Mr. Mankus asked for clarification where the deck is going to be located. Mr. Boccelli explained
107 the location and noted it will be screened on the porch, with a roof. Mr. Mankus stated the last
108 time this proposal was presented, an abutter had a concern about the possibility of the property
109 being rented but also the look and feel of the view from the abutter's side; he asked if they had
110 discussed this with her. Mr. Boccelli stated that is the abutter to the right and they haven't talked
111 much about it.

112
113 Mr. LaRochelle stated he went to the property and looked at the views; he stated it is on a cove
114 and this property is at the end of the cove. Mr. Cronin noted the NH DES application process
115 takes into consideration the views from the area. Mr. LaRochelle noted this application as
116 accepted as complete at the last meeting.

117
118 Mr. LaRochelle opened the hearing to input in favor of the application, from the public. None
119 was indicated.

120
121 Mr. LaRochelle opened the hearing to input in opposition to the application, from the public.
122 None was indicated.

123
124 Mr. LaRochelle closed the public hearing.

125
126 ***Discussion Case #Z23-31***

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

128 Mr. LaRoche stated granting the variance would not be contrary to the public interest. He
129 stated it is going to be a good project and is not contrary to the public. Mr. Morgan stated what
130 the applicant is asking for is not a major deviation from what is allowed. The Board agreed.

131 Mr. Morgan stated the request is in harmony with the spirit of the ordinance and the intent of the
132 Master Plan to maintain the health, safety and character of the direct district within which it is
133 proposed. He stated the idea of the ordinance in this ordinance and the spirit, is to avoid
134 crowding and not put decks right up against the lake but in this case, it is a reasonable request.
135 The Board agreed.

136 Mr. Mankus stated that by granting the variance, substantial justice will be done. He stated he
137 believes the benefit to the homeowner is not outweighed by the impact on the public. The Board
138 agreed.

139 Mr. Manning stated the values of surrounding properties will not be diminished. No evidence
140 was presented to indicate that property values would be diminished. The Board agreed.

141 Mr. LaRoche stated that for the purposes of this subparagraph, “unnecessary hardship” means
142 that, owing to special conditions of the property that distinguish it from other properties in the
143 area:

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

148 Mr. LaRoche stated the use is reasonable. Mr. Morgan stated the use is not changing; the
149 hardship comes in part because the lot is nonconforming due to there being multiple dwellings
150 on the same property, but the lot predates the zoning ordinance. The Board agreed.

151 **MOTION: To grant the request for a variance for Case #23-31. Motion by Mr. Morgan.**
152 **Second by Mr. Mankus. Motion passed unanimously.**

153

Case #Z23-32 John F. Bisson, Esq., Agent for Joseph & Janet Boccelli, Owners	Map 63 Lot 38 16 Legacy Landing	Special Exception Lakeshore Residential (LR) Zone
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154 A **Special Exception** is requested from **Article 300 Section 320.J Replacement of**
155 **Nonconforming Structures**, to permit the replacement and expansion of a house that is also a
156 nonconforming use due to multiple dwelling units on a lot (3 homes).

157

158 Mr. Cronin stated this case was discussed on December 7 and a major concern at that time was
159 the height of the building; the minutes and Board findings reflect that the Board agreed it would
160 be an appropriate development of a pre-existing nonconforming use if it adhered to the 35 foot
161 height limit. He stated the plans have been amended to reduce the height and be consistent with
162 the ordinance.

163

164 Mr. LaRochelle opened the hearing to input in favor of the application, from the public. None was
165 indicated.

166

167 Mr. LaRochelle opened the hearing to input in opposition to the application, from the public. None
168 was indicated.

169

170 Mr. LaRochelle closed the public hearing.

171

172 The Board worked through the Special Exception worksheet.

173

174 **Discussion – Case #Z23-32**

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

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

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

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

184 Mr. LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He
185 stated there was one opposition to the case at the last meeting who was concerned; however,
186 after looking at the location of the property, the view is not being blocked or changed in anyway
187 for the concerned abutter. The Board agreed.

188 Mr. Morgan stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
189 including the location and design of accessways and off-street parking. He stated the accessways
190 and off-street parking are not changing. The Board agreed.

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

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

195 Mr. LaRochelle stated the proposed use or structure **is** consistent with the spirit of this ordinance
196 and the intent of the Master Plan. He stated all State and local requirements are being met; the
197 new structure will be done up to code and create a safer place to live; major improvements are
198 being made and values will be increased. The Board agreed.

199 **MOTION: To grant the request for a Special Exception for Case #Z23-32. Motion by Mr.**
200 **Morgan. Second by Mr. Mankus. Motion passed unanimously.**

201

202 **NEW APPLICATIONS**

Case #Z24-06 Prospect Mountain Survey, Paul Zuzgo, LLS,	Map 4 Lot 17-1-1 432 Dudley Road	Variance Rural (RU) Zone
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Agent for Steven & Karen Letellier, Owners		
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203 A **Variance** is requested from **Article 400 Section 452.B** to permit road frontage less than 200' for a
 204 new lot of record.

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 206 *Continued to March 7, 2024.*
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Case #Z24-07 Prospect Mountain Survey, Paul Zuzgo, LLS, Agent for Steven & Karen Letellier, Owners	Map 4 Lot 17-1-1 432 Dudley Road	Equitable Waiver Rural (RU) Zone
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208 An **Equitable Waiver** is requested from **Article 300 Section 327.A** to permit encroachment of
 209 existing house and shed.

210
 211 *Continued to March 7, 2024.*
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Case #Z24-08 The 77 Sawmill Brook Road Trust, Robert & William Jones and Melissa Brock, Trustees	Map 42 Lot 1 77 Sawmill Brook Road	Variance Lakeshore Residential (LR) Zone
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213 A **Variance** is requested from **Article 300 Section 361.3** to permit a bunkhouse larger than 260 SF.
 214 288 SF is requested.

215
 216 *Continued to March 7, 2024.*
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Case #Z24-09 The 77 Sawmill Brook Road Trust, Robert & William Jones and Melissa Brock, Trustees	Map 42 Lot 1 77 Sawmill Brook Road	Variance Lakeshore Residential (LR) Zone
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218 A **Variance** is requested from **Article 300 Section 361.1.a** to permit inclusion of sink and toilet in a
 219 bunkhouse.

220
 221 *Continued to March 7, 2024.*
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Case #Z24-10 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Special Exception Rural (RU) Zone
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223 A **Special Exception** is requested from **Article 300 Section 334** to permit a Commercial Function
 224 Facility in the Rural Zone.

225
 226 The Board reviewed the application for completeness. Mr. Morgan stated the Staff Review
 227 indicates a number of items that are not addressed in the application and are incomplete. Mr.
 228 LaRochelle stated the sheets on the plan are not consistent with the addendum and lack key
 229 information. He stated there is no information included on the size and location of the solar
 230 array; no planned use for the amphitheater/covered pavilion/event barn and or clubhouse; the
 231 addendum contains comments not submitted on the revised plans; there are details lacking on the
 232 living accommodations for the service staff; the lot abutting Lot 16-20-1 is not labeled; corner lot

233 20-5 has less than the required frontage on one of two sides. Mr. Salomon stated they can
234 address those items tonight. Ms. Call stated her concern is that there are items labeled on the plan
235 that haven't been updated with her comments sent out in the Department Head review; they are
236 also not updated in the addendum so when looking at the plan, there are items that haven't been
237 amended and its confusing for the Board to read through the addendum; in order for the Board to
238 make sound decisions, it should be updated. She stated she discussed this with the Code
239 Enforcement Officer and she agrees. Mr. Morgan stated he would have difficulty to accept the
240 application as complete based on what has been presented. After discussion by the Board, it was
241 the consensus of the Board that this case should be continued to March 7, 2024 in order to allow
242 the applicants the opportunity to go over the requests and information required so the Board can
243 give proper consideration to the case. Mr. Salomon stated they agree.

244
245 Ms. Call noted the deadline is February 22, 2024 for submission of materials for the continued
246 hearing.

247
248 **MOTION: To continue the public hearing for Cases #Z24-10, 11 and 12 to March 7, 2024.**
249 **Motion by Mr. Morgan. Second by Mr. Mankus. Motion passed unanimously.**

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Case #Z24-11 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Variance Rural (RU) Zone
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251 A **Variance** is requested from **Article 400 Section 452.B** to permit *access to two proposed lots apart*
252 *from with road where the street frontage is claimed less than 200'.*

253

254 *Continued to March 7, 2024.*

255

Case #Z24-12 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Variance Rural (RU) Zone
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256 A **Variance** is requested from **Article 300 Section 319** to permit an unattached ADU that will be
257 occupied by a person or persons other than the owner.

258

259 *Continued to March 7, 2024.*

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261 **OTHER BUSINESS**

- 262 1. Previous Business: None.
263 2. New Business: None.
264 3. Approval of Minutes: ZBA meeting minutes of January 4, 2024 - Edits were made.

265 **MOTION: To approve as amended. Motion by Mr. Morgan. Second by Mr.**
266 **Mankus. Motion passed unanimously.**

267

- 268 4. Correspondence: None.

269

270 **ADJOURN**

271 **MOTION: To adjourn the meeting. Motion by Mr. Morgan. Second by Mr. Mankus.**
272 **Motion passed unanimously.**

273
274 The meeting was adjourned at 6:48 PM.
275
276 Respectfully Submitted,
277 *Jennifer Riel*
278 Jennifer Riel, Recording Secretary

APPROVED