

1 **TOWN OF ALTON**
2 **ZONING BOARD OF ADJUSTMENT**
3 **PUBLIC HEARING MEETING**
4 **Thursday, March 7, 2024, at 6:00 P.M.**
5 **Alton Town Hall**
6

7 **MEMBERS PRESENT**

8 Thomas Lee, Chair
9 Frank Rich, Vice Chair
10 Mark Manning, Member
11 Joe Mankus, Alternate Member
12

13 **OTHERS PRESENT**

14 Jessica Call, Town Planner
15 Robin McClain, Land Use Assistant
16 Steven & Karen Letellier, applicants
17 Paul Zuzgo, representative for applicants
18 William Jones, applicant
19 Melissa Brock, applicant
20 Steven Boccelli, applicant
21 Tom Varney, Varney Engineering, LLC, representative for the applicants
22 Thomas & Katharine Golembeski, applicants
23 Brad Jones, Jones and Beach Engineers, representative for the applicants
24 Dennis Ryan, applicant
25

26 **CALL TO ORDER**

27 Mr. LaRochelle called the meeting to order at 6:03 PM.
28

29 **INTRODUCTION OF BOARD MEMBERS**

30 Roll Call was taken for the Board members and individuals present at Town Hall.
31

32 **APPOINTMENT OF ALTERNATES**

33 Chair Lee stated an alternate will be needed for this meeting.
34

35 **MOTION: To have Mr. Mankus sit on the Board for this meeting. Motion by Mr. Rich.**
36 **Second by Mr. Manning. Motion passed unanimously.**
37

38 **STATEMENT OF THE APPEAL PROCESS**

39 The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning Board of
40 Adjustment to present evidence for or against the Appeal. This evidence may be in the form of
41 an opinion rather than an established fact, however, it should support the grounds that the Board
42 must consider when making a determination. The purpose of the hearing is not to gauge the
43 sentiment of the public or to hear personal reasons why individuals are for or against an appeal,
44 but all facts and opinions based on reasonable assumptions will be considered. In the case of an

45 appeal for a Variance, the Board must determine facts bearing upon the five criteria as set forth
46 in the State's Statutes. For a Special Exception, the Board must ascertain whether each of the
47 standards set forth in the Zoning Ordinance have been or will be met.

48 **APPROVAL OF AGENDA**

49 Ms. Call asked that Case #Z24-14 be heard after #Z24-07 as these cases are related.

50

51 **MOTION: To approve the agenda as amended. Motion by Mr. Morgan. Second by Mr.**
52 **Mankus. Motion passed unanimously.**

53

54 **CONTINUED PUBLIC HEARINGS**

55

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

58

59 Chair Lee read the public notice into the record. The Board reviewed the application for
60 completeness.

61

62 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
63 **Mankus. Motion passed unanimously.**

64

65 Paul Zuzgo, representative for the applicants, stated this project is for a boundary line
66 adjustment; he explained when this lot was created in 1979, the zoning required 150 feet of
67 frontage. There isn't a way for the adjustment to meet the 200 foot minimum. It was noted the lot
68 currently has 167 feet of frontage.

69

70 Chair Lee stated the house and lot have existed for many years; the house is within the setbacks
71 and the variance is needed to create a new lot. Mr. Zuzgo stated the applicant wants to sell Parcel
72 A to the owner in the back. It will take the lot from just under 2 acres to over 3 acres.

73

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

75

76 Steven Letellier, applicant, stated a new lot isn't being created but it is an extension of boundary.

77

78 Chair Lee opened the hearing to input in opposition to the application from the public. None was
79 indicated.

80

81 Chair Lee closed the public hearing.

82

83 **Discussion Case #Z24-06**

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

85 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated this
86 is a simple situation where the lot is being extended and it meets the criteria for the amount of
87 years since the lot was created; it is not a new building. The Board agreed.

88 Mr. Manning stated the request **is** in harmony with the spirit of the ordinance and the intent of
89 the Master Plan to maintain the health, safety and character of the direct district within which it
90 is proposed. He stated it is only for a lot line adjustment and it is a reasonable request. The Board
91 agreed.

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

95 Mr. Rich stated the values of surrounding properties **will not be** diminished. No evidence was
96 presented to indicate that property values would be diminished. The Board agreed.

97 Chair Lee stated that for the purposes of this subparagraph, *“unnecessary hardship” means that,*
98 *owing to special conditions of the property that distinguish it from other properties in the area:*

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

103 Chair Lee stated the use is reasonable. He stated the use is not changing and the lot predates the
104 zoning ordinance. The Board agreed.

105 **MOTION: To grant the request for a variance for Case #24-06. Motion by Mr. Manning.**
106 **Second by Mr. Mankus. Motion passed unanimously.**
107

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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108 An **Equitable Waiver** is requested from **Article 300 Section 327.A** to permit encroachment of
109 existing house and shed.

110
111 Chair Lee read the public notice into the record. The Board reviewed the application for
112 completeness.

113
114 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
115 **Mankus. Motion passed unanimously.**
116

117 Paul Zuzgo, representative for the applicants, stated the house has been on this lot for 200 years;
118 when it was created the house was within the setback and with the creation of the new lot, an
119 equitable waiver is needed for the portion of the house being within the setback. It was
120 confirmed there are no plans to expand the house.

121
122 Ms. Call suggested the waiver needs to include the shed that is also outside the property

123 boundaries into the setback. The shed is roughly 9' by 10'; about ¾ of the shed is within the side
124 setback. Mr. Zuzgo noted the shed could be moved and Mr. Letellier is willing to do so.

125
126 Chair Lee opened the hearing to input in favor of the application from the public. None was
127 indicated.

128
129 Chair Lee opened the hearing to input in opposition to the application from the public. None was
130 indicated.

131
132 Chair Lee closed the public hearing.

133
134 ***Discussion - Equitable Waiver of Dimensional Requirements:***

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

139 The Board agreed.

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

146 The Board agreed.

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

150 Mr. Rich noted there was no objection by any abutters. The Board agreed.

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

154 The Board agreed.

155 **MOTION: To grant the request for an equitable waiver for Case #24-07 with the condition**
156 **that the shed is moved within the setback. Motion by Mr. Manning. Second by Mr.**
157 **Mankus. Motion passed unanimously.**

158

Case #Z24-14 Prospect Mountain Survey, Paul Zuzgo, LLS, Agent for Terrance & Rhonda Armstrong, Owners	Map 4 Lot 17-1 422 Dudley Road	Variance Rural Zone (RU)
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159 A **Variance** is requested from **Article 400 Section 452.B** to permit road frontage less than 200' for a
160 new lot of record.

161
162 Chair Lee read the public notice into the record. The Board reviewed the application for
163 completeness.

164
165 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
166 **Mankus. Motion passed unanimously.**

167
168 Paul Zuzgo, representative for the applicants, stated this lot was subdivided from the parent lot in
169 2003 and the zoning was still 150 feet for frontage. He stated because a new lot is being created,
170 a variance is needed as the lot only has 198 feet. It was confirmed all setbacks are met.

171
172 Chair Lee noted no concerns were indicated by Department Heads; the Conservation
173 Commission is concerned about setbacks but based on the information presented, there are no
174 issues. He stated per the memo from the Planning Board, approval for a boundary line
175 adjustment between lots 17 and 17-1 would be required as a condition for approval by the ZBA.

176
177 Chair Lee opened the hearing to input in favor of the application from the public. None was
178 indicated.

179
180 Chair Lee opened the hearing to input in opposition to the application from the public. None was
181 indicated.

182
183 Chair Lee closed the public hearing.

184
185 ***Discussion Case #Z24-14***

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

187 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated
188 there is less than a 2 foot difference between the current ordinance requirements. The Board
189 agreed.

190 Mr. Manning stated the request **is** in harmony with the spirit of the ordinance and the intent of
191 the Master Plan to maintain the health, safety and character of the direct district within which it
192 is proposed. He stated it is a minor change and it is a reasonable request. The Board agreed.

193 Mr. Mankus stated that by granting the variance, substantial justice **will be** done. The Board
194 agreed.

195 Mr. Rich stated the values of surrounding properties **will not be** diminished. No evidence was
196 presented to indicate that property values would be diminished. The Board agreed.

197 Chair Lee stated that for the purposes of this subparagraph, "*unnecessary hardship*" means that,
198 *owing to special conditions of the property that distinguish it from other properties in the area:*

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

203 Chair Lee stated the use is reasonable. He stated the use is not changing and the lot predates the
204 zoning ordinance. The Board agreed.

205 **MOTION: To grant the request for a variance for Case #24-14. Motion by Mr. Rich.**
206 **Second by Mr. Mankus. Motion passed unanimously.**
207

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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208 A **Variance** is requested from **Article 300 Section 361.3** to permit a bunkhouse larger than 260 SF.
209 288 SF is requested.

210
211 Chair Lee read the public notice into the record. The Board reviewed the application for
212 completeness.

213
214 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
215 **Rich. Motion passed unanimously.**

216
217 Mr. Jones stated the property has been in his family for five generations and will remain so; they
218 would like to build a new bunkhouse to replace the current one and increase the size to 288 square
219 feet which would allow for the addition of a toilet and sink; the current bunkhouse does not have
220 these. The access to these facilities requires walking down a steep decline. It was clarified that the
221 additional square footage is for the addition of the half bath. The existing building was built in 1966.

222
223 Mr. Rich noted the proposed bunkhouse will remain in the same place but will be a square instead of
224 a rectangle. Mr. Jones stated the reconfiguration will move the structure back out of the setback.

225
226 Chair Lee opened the hearing to input in favor of the application, from the public. None was
227 indicated.

228
229 Chair Lee opened the hearing to input in opposition to the application, from the public. None was
230 indicated.

231
232 Chair Lee closed the public hearing.

233
234 ***Discussion Case #Z24-08***

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

236 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated its
237 a small amount of square footage and the structure is being moved further back from the setback
238 to be more conforming. The Board agreed.

239 Mr. Manning stated the request **is** in harmony with the spirit of the ordinance and the intent of
240 the Master Plan to maintain the health, safety and character of the direct district within which it
241 is proposed. He stated the new bunkhouse will be more compliant than the existing structure.
242 The Board agreed.

243 Mr. Mankus stated that by granting the variance, substantial justice **will be** done. The Board
244 agreed.

245 Mr. Rich stated the values of surrounding properties **will not be** diminished. No evidence was
246 presented to indicate that property values would be diminished. The Board agreed.

247 Chair Lee stated that for the purposes of this subparagraph, *“unnecessary hardship” means that,*
248 *owing to special conditions of the property that distinguish it from other properties in the area:*

249 i. *No fair and substantial relationship exists between the general public purposes of*
250 *the ordinance provision and the specific application of that provision to the*
251 *property;*

252 ii. *The proposed use is a reasonable one.*

253 Chair Lee stated the use is reasonable and the use is not changing. The Board agreed.

254 **MOTION: To grant the request for a variance for Case #24-08. Motion by Mr. Manning.**
255 **Second by Mr. Mankus. Motion passed unanimously.**
256

Case #Z24-09	Map 42 Lot 1	Variance
The 77 Sawmill Brook Road Trust, Robert & William Jones and Melissa Brock, Trustees	77 Sawmill Brook Road	Lakeshore Residential (LR) Zone

257 A **Variance** is requested from **Article 300 Section 361.1.a** to permit inclusion of sink and toilet in a
258 bunkhouse.

259
260 Chair Lee read the public notice into the record. The Board reviewed the application for
261 completeness.

262
263 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
264 **Rich. Motion passed unanimously.**

265
266 Mr. Jones explained they want to add the facilities for ease of use, particularly by the older family
267 members as its difficult to get down the steep slope to the other facilities on the property.

268
269 Ms. Dimitri stated per the property file, there are three buildings on the property including a 700
270 square foot camp with two bedrooms, two camps with one bedroom each and the bunkhouse; that is a
271 total of four bedrooms and the septic approval from September 2023 states there are three bedrooms.
272 Mr. Jones noted the details of all the buildings are listed on the NH DES application and the system

273 was designed appropriately.

274

275 Chair Lee opened the hearing to input in favor of the application from the public. None was
276 indicated.

277

278 Chair Lee opened the hearing to input in opposition to the application from the public. None was
279 indicated.

280

281 Chair Lee closed the public hearing.

282

283 ***Discussion Case #Z24-09***

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

285 Chair Lee stated granting the variance ***would not*** be contrary to the public interest. He stated it
286 will be a benefit with the upgrade to add the sink and toilet with a new septic system; it will be
287 further from the setback. The Board agreed.

288 Mr. Manning stated the request ***is*** in harmony with the spirit of the ordinance and the intent of
289 the Master Plan to maintain the health, safety and character of the direct district within which it
290 is proposed. He stated the new bunkhouse will be more compliant than the existing structure.
291 The Board agreed.

292 Mr. Mankus stated that by granting the variance, substantial justice ***will be*** done. He stated the
293 property is being improved for future generations. Mr. Rich stated because of the exceptional
294 decline from the bunkhouse to the facilities, it makes sense to make these accommodations. The
295 Board agreed.

296 Mr. Rich stated the values of surrounding properties ***will not be*** diminished. No evidence was
297 presented to indicate that property values would be diminished. The Board agreed.

298 Chair Lee stated that for the purposes of this subparagraph, *“unnecessary hardship” means that,*
299 *owing to special conditions of the property that distinguish it from other properties in the area:*

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

304 Chair Lee stated the use is reasonable and the use is not changing; there is an overall upgrade to
305 the septic system. The Board agreed.

306 Chair Lee confirmed the plans show the encroachment on the side setback; an additional
307 variance is needed along with a survey unless the bunkhouse is moved out of the side setback,
308 which it; a notarized document must be recorded at the Belknap County Registry of Deeds
309 specifying the bunkhouse use restrictions. These items will be part of the building permit
310 process.

311 Chair Lee opened the hearing to input from the public. None was indicated.

312 **MOTION: To grant the request for a variance for Case #24-09. Motion by Mr. Manning.**
313 **Second by Mr. Rich. Motion passed unanimously.**
314

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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315 A **Special Exception** is requested from **Article 300 Section 334** to permit a Commercial Function
316 Facility in the Rural Zone.

317
318 **CONTINUED To May 2, 2024**
319

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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320 A **Variance** is requested from **Article 400 Section 452.B** to permit *access to two proposed lots apart*
321 *from with road where the street frontage is claimed less than 200'.*

322
323 **CONTINUED To May 2, 2024**
324

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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325 A **Variance** is requested from **Article 300 Section 319** to permit an unattached ADU that will be
326 occupied by a person or persons other than the owner.

327
328 **CONTINUED To May 2, 2024**
329

330 **NEW APPLICATIONS**

Case #Z24-15 Steven Boccelli, Agent for New State Realty Management, Owners	Map 34 Lot 39 404 Main Street (REAR)	Special Exception Residential Commercial Zone (RC)
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332 A **Special Exception** is requested from **Article 400 Section D.1** Amusement Use: Indoor, to permit
333 indoor arcade.

334
335 Chair Lee read the public notice into the record. The Board reviewed the application for
336 completeness.

337
338 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
339 **Mankus. Motion passed unanimously.**
340

341 Steven Boccelli stated he leases the space from the property owner, New State Realty, and he
342 wants put in a indoor arcade. He stated they had a one day permit during the Winter Carnival and
343 the machines are setup and ready to go. Mr. Boccelli stated he hopes to create the nostalgia the
344 area used to have and contribute to the Master Plan, opening in the next couple months.

345
346 Mr. Rich asked what the hours of operation will be for the arcade. Mr. Boccelli stated it would
347 by 8:00 AM to 10:00 PM, seven days per week; there will be an employee on the premises and
348 rotating cleaners to keep it clean. It will be strictly the arcade with no refreshments provided. Mr.
349 Rich noted the Highway Department has concerns about the NH DOT request for the Town to
350 move the crosswalk from the busy corner at Main Street to Route 11/Rand Hill. NH DOT is also
351 asking that the access point for the store be restricted to minimize traffic entering and exiting due
352 to the crosswalk location. It was noted the changes could impact traffic and use. Mr. Boccelli
353 stated it could hinder and cause a hardship for the property owner but he doesn't see a problem
354 with the current use.

355
356 Chair Lee noted the Water Department indicated concerns about a need for water however the
357 plans indicate there is no need at this time. If that changes in the future, the applicant would need
358 to meet all the necessary criteria. It was confirmed the building will remain in the current
359 footprint; the office space will not be considered retail space.

360
361 Ms. Call stated there are some sections of the Site Plan requirements including traffic and
362 parking standards which may come into play. Mr. Boccelli stated they received roughly 300
363 signatures on a petition to indicate favor and support for this application.

364
365 Ms. Call outlined her summary of the case as she wasn't able to submit a Planner Review prior
366 to the meeting; she stated she is concerned there is no septic system on site; the current system
367 has capacity for just the corner store; it will be up to the Planning Board to address. She stated
368 parking may become an issue based on comments from the Highway Department; there is also a
369 section that addresses the use of public funds and a large expenditure to prevent traffic problems.
370 She stated there is a lot of work between the Highway Department and NH DOT to address the
371 parking and traffic issues. Chair Lee noted there has been a retail business at this location for the
372 last couple summers but that fell under a different type of permit.

373
374 Mr. Rich stated no matter what is done in this area, there could be a parking issue but it has been
375 enhanced with the new parking on the opposite side of the road.

376
377 Chair Lee opened the hearing to input in favor of the application from the public.

378
379 Christy Painchaud, resident, stated she is a member of the Alton Business Association and would
380 like to see this business to the community; she stated it will give visitors more to do in the area.
381 She agreed parking could be an issue but there have been numerous events throughout the year
382 that attract many more people to the area and they make it work. She stated as a mom and
383 business owner, it would be a great addition.

384
385 Chair Lee opened the hearing to input in opposition to the application from the public. None was
386 indicated.

387
388 Chair Lee closed the public hearing.

389

390 The Board worked through the Special Exception worksheet.

391

392 **Discussion – Case #Z24-15**

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

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

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

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

401 Mr. Rich stated there **is no** valid objection from abutters based on demonstrable fact. He stated
402 there was no objection from abutters or any other objections. The Board agreed.

403 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
404 including the location and design of accessways and off-street parking. He stated it has been
405 noted from the Highway Department that there will need to be a further review in regard to the
406 Town working with NH DOT as far as the crosswalk is concerned. The Board agreed.

407 Mr. Mankus stated adequate and appropriate facilities and utilities **will** be provided to ensure the
408 proper operation of the proposed use or structure. He stated further review will come from the
409 Planning Board regarding this. The Board agreed.

410 Mr. Manning stated there **is** adequate area for safe and sanitary sewage disposal and water
411 supply; this will be addressed by the Planning Board. The Board agreed.

412 Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and
413 the intent of the Master Plan. He stated the area in Alton Bay will only be improved and
414 enhanced by allowing the addition of an arcade and small business. Mr. Manning stated it will
415 also add recreation. The Board agreed.

416 **MOTION: To grant the request for a Special Exception for Case #Z24-15. Motion by Mr.**
417 **Manning. Second by Mr. Mankus. Motion passed unanimously.**

418

Case #Z24-16 Varney Engineering, LLC, Agent for Thomas & Katharine Golembeski Rev Living Trust, Owners	Map 74 Lot 40 248 Sleeper Island	Variance Lakeshore Residential Zone (LR)
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419 A Variance is requested from Article 327 Section A.3 Setback Requirements, to permit expansion of
420 existing cottage within the setback.

421

422 Chair Lee read the public notice into the record. The Board reviewed the application for
423 completeness.

424

425 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
426 **Mankus. Motion passed unanimously.**

427
428 Tom Varney, Varney Engineering, LLC, representative for the applicants, stated the property is
429 on Sleeper Island and the applicants have owned it since 1980; they want to add a 10 foot by 10
430 foot addition for a bathroom. He stated as the applicants have mobility issues, the addition will
431 be provide a more accessible and safer bathroom location in the cottage. The building size
432 increases from 1293 square feet to 1390 square feet. The lot size coverage increases from 19.1 to
433 19.5%. The existing septic system will remain; a NH DES approved septic design will be
434 obtained in the event of failure but there is no increase in follow to the system as the house will
435 remain three bedrooms. The existing water supply will remain seasonal from the lake and a NH
436 DES Shoreline permit is required. The land has been surveyed. Mr. Varney stated a letter in
437 support was received from an abutter, as long as a visual buffer between the properties is
438 maintained.

439
440 Mr. Varney explained after the lot was surveyed, it was determined the best location would be as
441 proposed but it will be 2 feet from the lot line. It was confirmed the additional bathroom will be
442 tied into the existing septic system. Mr. Rich asked why the addition wasn't put on the other side
443 of the building. Mr. Golembeski explained the kitchen is on that side; there is a ledge there as
444 well and a steep grade. There will still be an encroachment on the back setback. Mr. Rich noted
445 it would be less of an encroachment. Mr. Golembeski explained how the cottages were situated on
446 the lot as well as the abutting lot; it would appear that when the cottages were built many years ago,
447 it was assumed the property line ran straight up from the water, but it does not.

448
449 Mr. Manning asked whether the Board should consider the future and potential owners, with the
450 bathroom being so close to the property line. Mr. Golembeski stated the abutting cottage is also close
451 to the property line. Mr. Rich stated if a new owner wanted to tear down the cottage and move it,
452 there would be many things required and they would buy it knowing the location of the cottage. He
453 noted the existing owner of the abutting lot has agreed to the addition and would have to disclose the
454 situation if they sold the property. Chair Lee agreed with considering abutters. Mr. Golembeski stated
455 the abutting lot is higher than his so it won't affect a view.

456
457 Chair Lee opened the hearing to input in favor of the application from the public. None was
458 indicated.

459
460 Chair Lee opened the hearing to input in opposition to the application from the public. None was
461 indicated.

462
463 Chair Lee closed the public hearing.

464
465 The Board reviewed the Department Head comments.

466
467 ***Discussion Case #Z24-16***

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

469 Chair Lee stated granting the variance ***would not*** be contrary to the public interest. He stated the
470 abutter is in favor of this proposal. The Board agreed.

471 Mr. Manning stated the request is in harmony with the spirit of the ordinance and the intent of
472 the Master Plan to maintain the health, safety and character of the direct district within which it
473 is proposed. He stated there is a need for this addition and rational was given for the location.
474 The Board agreed.

475 Mr. Mankus stated that by granting the variance, substantial justice will be done. Mr. Rich stated
476 the hardship the applicant would endure, outweighs any kind of substantial justice to be done for
477 this particular case. The Board agreed.

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

480 Chair Lee stated that for the purposes of this subparagraph, “unnecessary hardship” means that,
481 owing to special conditions of the property that distinguish it from other properties in the area:

482 i. No fair and substantial relationship exists between the general public purposes of
483 the ordinance provision and the specific application of that provision to the
484 property;

485 ii. The proposed use is a reasonable one.

486 Chair Lee stated the use is reasonable. He stated there are topographical concerns with this
487 property and the way the house is situated within the property lines. The Board agreed.

488 **MOTION: To grant the request for a variance for Case #24-16. Motion by Mr. Manning.**
489 **Second by Mr. Mankus. Motion passed unanimously.**

490

Case #Z24-17 Varney Engineering, LLC, Agent for Thomas & Katharine Golembeski Rev Living Trust, Owners	Map 74 Lot 40 248 Sleeper Island	Variance Lakeshore Residential Zone (LR)
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491 A **Variance** is requested from **Article 320 Section H.1** Nonconforming Structures, to permit
492 expansion of existing cottage, which will make a non-conforming structure more non-conforming.

493

494 Chair Lee read the public notice into the record. The Board reviewed the application for
495 completeness.

496

497 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
498 **Mankus. Motion passed unanimously.**

499

500 Mr. Varney stated the building is nonconforming because it is within the 30 foot setback; the
501 corner of the building is within the 10 foot setback; anything added makes the nonconforming
502 building, more nonconforming. He noted the State Shoreline Protection Act is 50 feet but the
503 Town has a setback of 30 feet; he confirmed the structure is not moving closer to the lake. Mr.
504 Varney stated NH DES will also need to approve this with a Shoreline Permit. Mr. Rich stated he
505 disagrees with the concerns by the Conservation Commission as the entire existing house is
506 nonconforming. He stated this case is a hardship and the abutter has agreed to the proposal.

507

508 Chair Lee opened the hearing to input in favor of the application from the public. None was
509 indicated.

510
511 Chair Lee opened the hearing to input in opposition to the application from the public. None was
512 indicated.

513
514 Chair Lee closed the public hearing.

515
516 The Board reviewed the Department Head comments.

517
518 **Discussion Case #Z24-17**

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

520 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated the
521 abutter is in favor of this proposal; based on topographical concerns of the property, it is the best
522 fit to make it a workable situation for the applicant. The Board agreed.

523 Mr. Manning stated the request **is** in harmony with the spirit of the ordinance and the intent of
524 the Master Plan to maintain the health, safety and character of the direct district within which it
525 is proposed. He stated there is a need for this addition and rational was given for the location.

526 Mr. Rich stated this is in line with the Master Plan, particularly with regard to the health and
527 safety of the applicant. The Board agreed.

528 Mr. Mankus stated that by granting the variance, substantial justice **will be** done. The Board
529 agreed.

530 Mr. Rich stated the values of surrounding properties **will not be** diminished. No evidence was
531 presented to indicate that property values would be diminished. The Board agreed.

532 Chair Lee stated that for the purposes of this subparagraph, “unnecessary hardship” means that,
533 owing to special conditions of the property that distinguish it from other properties in the area:

534 i. *No fair and substantial relationship exists between the general public purposes of*
535 *the ordinance provision and the specific application of that provision to the*
536 *property;*

537 ii. *The proposed use is a reasonable one.*

538 Chair Lee stated the proposed use is reasonable. The Board agreed.

539 **MOTION: To grant the request for a variance for Case #24-17. Motion by Mr. Rich.**
540 **Second by Mr. Mankus. Motion passed unanimously.**

541

Case #Z24-18 Jones & Beach Engineers, Inc., Brad Jones, Agent for Dennis Ryan, Owner	Map 51 Lot 8 111 Route 11D	Special Exception Lakeshore Residential Zone (LR)
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542 A Special Exception is requested from Article 300 Section 320.F to permit the replacement of an
543 existing manufactured home for nonconforming use that is voluntarily removed.

544

545 Chair Lee read the public notice into the record. The Board reviewed the application for
546 completeness.

547

548 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
549 **Mankus. Motion passed unanimously.**

550

551 Brad Jones, Jones and Beach Engineers, representative for the applicant, presented the plans; he
552 stated it's a 25 mile per hour road; there are no sight distance issues. He stated there is a steep grade at
553 the back of the lot and large boulders; the well has been installed. Mr. Jones stated a full boundary
554 survey was done for the lot. He stated the house has been pushed back as far as possible. There will
555 be a new NH DES approved septic system; the parking area will be over the chamber system. The
556 property is 0.20 acres and the manufactured home that is currently on the lot is outdated and not to
557 code; the owner wants to replace it with something that is better looking aesthetically and meets
558 current building codes. Mr. Jones stated Mr. Ryan notified neighbors and abutters; no negative
559 comments were received.

560

561 Mr. Rich asked where the access is from Route 11D. Mr. Jones stated there is an existing access way
562 and explained the new location of the septic system would provide better parking. He stated the
563 property is currently nonconforming, the setback on the front will be improved but the property will
564 still be nonconforming. He noted the property is not within the shoreline district; the existing house is
565 two bedrooms and the proposed will be two bedrooms.

566

567 Mr. Ryan stated the property has been in their family since 1948 and they would like to keep it in the
568 family.

569

570 Chair Lee opened the hearing to input in favor of the application from the public. None was
571 indicated.

572

573 Chair Lee opened the hearing to input in opposition to the application from the public. None was
574 indicated.

575

576 Chair Lee closed the public hearing.

577

578 The Board worked through the Special Exception worksheet.

579

580 **Discussion – Case #Z24-18**

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

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

585 Mr. Mankus stated the specific site **is** an appropriate location for the use. He stated it is currently
586 a house lot and the house is being replaced. Mr. Rich stated the new house will be less
587 nonconforming than the existing house. The Board agreed.

588 Mr. Manning stated that actual evidence **is not** found that the property values in the district will

589 be reduced due to incompatible land uses. No factual evidence was submitted to indicate values
590 would be diminished. Mr. Rich stated the values will only go up with a new home. The Board
591 agreed.

592 Mr. Rich stated there **is no** valid objection from abutters based on demonstrable fact. He stated
593 there was no objection from abutters or any other objections. The Board agreed.

594 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
595 including the location and design of accessways and off-street parking. He stated nothing is
596 changing in regard to traffic. The Board agreed.

597 Mr. Mankus stated adequate and appropriate facilities and utilities **will** be provided to ensure the
598 proper operation of the proposed use or structure. He stated the new house will meet current
599 building codes. The Board agreed.

600 Mr. Manning stated there **is** adequate area for safe and sanitary sewage disposal and water
601 supply; there will be a new NH DES approved septic system. The Board agreed.

602 Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and
603 the intent of the Master Plan. He stated the applicant and his family have owned the property
604 since 1948 and a home was put on the lot in 1967 and the intent is to improve the property. Mr.
605 Manning stated the protections for the environment will also be improved with the new septic
606 system. The Board agreed.

607 **MOTION: To grant the request for a Special Exception for Case #Z24-18. Motion by Mr.**
608 **Manning. Second by Mr. Mankus. Motion passed unanimously.**

609

Case #Z24-19 Jones & Beach Engineers, Inc., Brad Jones, Agent for Dennis Ryan, Owner	Map 51 Lot 8 111 Route 11D	Special Exception Lakeshore Residential Zone (LR)
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610 A **Special Exception is** requested from **Article 300 Section 320.J** to permit the replacement of an
611 existing, nonconforming manufactured home that is voluntarily removed.

612

613 Chair Lee read the public notice into the record. The Board reviewed the application for
614 completeness.

615

616 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
617 **Rich. Motion passed unanimously.**

618

619 Brad Jones, Jones and Beach Engineers, representative for the applicant, explained the design of the
620 septic system that can be parked on to utilize the space on the lot.

621

622 Chair Lee opened the hearing to input in favor of the application from the public. None was
623 indicated.

624

625 Chair Lee opened the hearing to input in opposition to the application from the public. None was
626 indicated.

627

628 Chair Lee closed the public hearing.

629
630 The Board worked through the Special Exception worksheet.
631
632 **Discussion – Case #Z24-19**
633 *The Board must find that all the following conditions are met in order to grant the Special*
634 *Exception:*

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

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

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

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

643 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
644 including the location and design of accessways and off-street parking. The Board agreed.

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

647 Mr. Manning stated there **is** adequate area for safe and sanitary sewage disposal and water
648 supply; there will be a new NH DES approved septic system. The Board agreed.

649 Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and
650 the intent of the Master Plan. The Board agreed.

651 **MOTION: To grant the request for a Special Exception for Case #Z24-19. Motion by Mr.**
652 **Manning. Second by Mr. Mankus. Motion passed unanimously.**

653

Case #Z24-20 Jones & Beach Engineers, Inc., Brad Jones, Agent for Dennis Ryan, Owner	Map 51 Lot 8 111 Route 11D	Variance Lakeshore Residential Zone (LR)
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654 A Variance is requested from Article 300 Section 320.J.3 & 4 to allow the replacement and
655 expansion of an existing nonconforming manufactured home within the 25' front setback.

656
657 Chair Lee read the public notice into the record. The Board reviewed the application for
658 completeness.

659
660 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
661 **Mankus. Motion passed unanimously.**

662
663 Mr. Jones stated the home is going to be pushed back from the setback and will be less
664 nonconforming. They developed plans to meet the requirements the best they could with the
665 conditions of the property of grading and boulders. There would be more lot disturbance with a
666 retaining wall if they moved it back further. The existing house is 12.5 feet from the setback; the

667 proposed is 14 feet. The structure is 13.5 feet wide.

668

669 Chair Lee opened the hearing to input in favor of the application from the public. None was
670 indicated.

671

672 Chair Lee opened the hearing to input in opposition to the application from the public. None was
673 indicated.

674

675 Chair Lee closed the public hearing.

676

677 **Discussion Case #Z24-20**

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

679 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated the
680 house will become less nonconforming. The Board agreed.

681 Mr. Manning stated the request **is** in harmony with the spirit of the ordinance and the intent of
682 the Master Plan to maintain the health, safety and character of the direct district within which it
683 is proposed. He stated this will be an upgrade to the property. The Board agreed.

684 Mr. Mankus stated that by granting the variance, substantial justice **will be** done. The Board
685 agreed.

686 Mr. Rich stated the values of surrounding properties **will not be** diminished. No evidence was
687 presented to indicate that property values would be diminished. The Board agreed.

688 Chair Lee stated that for the purposes of this subparagraph, *“unnecessary hardship” means that,*
689 *owing to special conditions of the property that distinguish it from other properties in the area:*

690 i. *No fair and substantial relationship exists between the general public purposes of*
691 *the ordinance provision and the specific application of that provision to the*
692 *property;*

693 ii. *The proposed use is a reasonable one.*

694 Chair Lee stated the use is reasonable. The Board agreed.

695 **MOTION: To grant the request for a variance for Case #24-20. Motion by Mr. Manning.**
696 **Second by Mr. Mankus. Motion passed unanimously.**

697

Case #Z24-21 Jones & Beach Engineers, Inc., Brad Jones, Agent for Dennis Ryan, Owner	Map 51 Lot 8 111 Route 11D	Variance Lakeshore Residential Zone (LR)
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698 A Variance is requested from Article 300 Section 350.A to allow the replacement of a manufactured
699 home 13’ in width, outside of a manufactured home park, where 14’ is required.

700

701 Chair Lee read the public notice into the record. The Board reviewed the application for
702 completeness.

703

704 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
705 **Mankus. Motion passed unanimously.**

706
707 Mr. Jones stated the proposed home is 13 feet 4” wide; he stated there will be an overhang on the
708 metal roof which is approximately 4” on each side.

709
710 Chair Lee opened the hearing to input in favor of the application from the public. None was
711 indicated.

712
713 Chair Lee opened the hearing to input in opposition to the application from the public. None was
714 indicated.

715
716 Chair Lee closed the public hearing.

717
718 **Discussion Case #Z24-21**

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

720 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated the
721 house will become less nonconforming. The Board agreed.

722 Mr. Manning stated the request **is** in harmony with the spirit of the ordinance and the intent of
723 the Master Plan to maintain the health, safety and character of the direct district within which it
724 is proposed. The Board agreed.

725 Mr. Mankus stated that by granting the variance, substantial justice **will be** done. The Board
726 agreed.

727 Mr. Rich stated the values of surrounding properties **will not be** diminished. No evidence was
728 presented to indicate that property values would be diminished. The Board agreed.

729 Chair Lee stated that for the purposes of this subparagraph, “unnecessary hardship” means that,
730 owing to special conditions of the property that distinguish it from other properties in the area:

731 i. *No fair and substantial relationship exists between the general public purposes of*
732 *the ordinance provision and the specific application of that provision to the*
733 *property;*

734 ii. *The proposed use is a reasonable one.*

735 Chair Lee stated the use is reasonable. The Board agreed.

736 **MOTION: To grant the request for a variance for Case #24-21. Motion by Mr. Manning.**
737 **Second by Mr. Mankus. Motion passed unanimously.**

738

Case #Z24-22 Jones & Beach Engineers, Inc., Brad Jones, Agent for BMH Black Point, LLC, Owner	Map 44 Lot 24 201 Black Point Road	Equitable Waiver Lakeshore Residential Zone (LR)
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739 An Equitable Waiver is requested from Article 300 Section 327.A.2 to permit a garage within the

740 setbacks.

741

742 Chair Lee read the public notice into the record. The Board reviewed the application for
743 completeness. Ms. Call confirmed architectural drawings are not needed for this case.

744

745 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
746 **Mankus. Motion passed unanimously.**

747

748 Brad Jones, Jones and Beach Engineers, representative for the applicant, stated boundary surveys
749 were done last summer; at that point there was a foundation that was already poured, and it was
750 found that it did not meet the front setbacks. He stated the setback is 25 feet from the road and
751 the foundation is 24.2 feet, so less than 1 foot. Mr. Jones stated the building is framed and
752 beyond the point of moving back. Ms. Call asked if the applicants received approval to have the
753 garage on the lot. Mr. Jones stated he didn't begin working with the applicants until after the
754 garage was laid out and foundation poured.

755

756 Mr. Rich asked if there is a sewer system on the lot. Mr. Jones stated the system was designed
757 and installed before he was working with them, and it is for the house across the street. He
758 explained the regrading done to the driveway and confirmed access to the garage; he also
759 explained there is an easement which makes it 60 feet from the building to the edge of the road.

760

761 Chair Lee opened the hearing to input in favor of the application from the public. None was
762 indicated.

763

764 Chair Lee opened the hearing to input in opposition to the application from the public. None was
765 indicated.

766

767 Chair Lee closed the public hearing.

768

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

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

774 The Board agreed.

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

781 The Board agreed.

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

785 The Board agreed.

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

789 Mr. Rich stated the structure is already built and the costs to remove and reconstruct would be
790 enormous. The Board agreed.

791 **MOTION: To grant the request for an equitable waiver for Case #24-22. Motion by Mr.**
792 **Manning. Second by Mr. Mankus. Motion passed unanimously.**

793

794 **OTHER BUSINESS**

795 1. Previous Business: None.

796 2. New Business:

797 a. Review and discuss updates to Town of Alton ZBA By-Laws and Appeals
798 Application Guide. *Postponed.*

799

800 b. Review and discuss ZBA Decision Criteria Variances from the NHMA.
801 *Postponed.*

802

803 3. Approval of Minutes: ZBA meeting minutes of February 14, 2024 – Postponed.

804

805 4. Correspondence: None.

806

807 **ADJOURN**

808 **MOTION: To adjourn the meeting. Motion by Mr. Rich. Second by Mr. Mankus. Motion**
809 **passed unanimously.**

810

811 The meeting was adjourned at 9:07 PM.

812

813 Respectfully Submitted,

814 *Jennifer Riel*

815 Jennifer Riel, Recording Secretary