

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, May 1, 2025, at 6:00 PM
Alton Town Hall**

MEMBERS PRESENT

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

OTHERS PRESENT

Norma Ditri, Code Enforcement Officer	Don Sorrentino
Robin McClain, Land Use Assistant	Lisa Sorrentino
Robert Miller, Esq.	Dustin Hamilton
John Cronin, Esq.	Jim P.
Robert Flannery	Breann Thompson
Andrea Murray	Jessie Parrey
Roger Sample	Breanna and Andrew Heath
Arianna Cory, Esq.	Toby P.
Alan Roscoe	Michael Elliot
Carson Peters	Steve and Sheila Burke
Joe Couture	Eric Bradbury
Gilles Pelletier	Kristen Bradbury
Judy Casale	Brian Dubisz
Jane King	Richard and Diana Couture
Eileen Parsons	Joel Arsenault
Ernani Storlazzi	Alex Casale
Rick Casale	Karin White
Stan Kalishman	Amy Grimm
Valerie Tarbell	Jeremy Martin
Bonnie Belcastro	
Carolyn Taylor	

CALL TO ORDER

Chair Rich called the meeting to order at 6:05 PM.

INTRODUCTION OF BOARD MEMBERS

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

APPOINTMENT OF ALTERNATES

MOTION: To appoint Mr. Mankus to sit as a full member for this meeting. Motion by Mr. Morgan. Second by Mr. LaRochelle. Motion passed unanimously.

APPROVAL OF AGENDA

Ms. Ditri added an item under New Business for a request of a rehearing.

Ms. Ditri stated a permanent member of the Board needs to be chosen from the alternates present.

MOTION: To approve the agenda as amended. Motion by Mr. LaRochelle. Second by Mr. Lee. Motion passed unanimously.

STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds that the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal, but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a Variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a Special Exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance have been or will be met.

Chair Rich announced a Board rule which has been followed for many years: no new applications will be heard after 10:00 PM.

1. CONTINUED APPLICATIONS from April 3, 2025

Case #Z24-44 Christopher Drescher Esq., Agent for Robert Flannery & Alton Pittsburg, LLC., Applicant and Owner	Map 31 Lot 35 208 Main Street	Administrative Appeal Residential Commercial Zone (RC)
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An Administrative Appeal is requested in reference to a Notice of Violation from the Code Official alleging an unlawful Contractor's Yard without Town approval, expanding a non-conforming use without a Site Plan.

Chair Rich read the public notice into the record; he stated this is a continued application from April 3, 2024.

John Miller, Esq., representative for the applicant, requested the Board consider the application for the Special Exception before the case for the Administrative Appeal as that may be withdrawn depending on the outcome of the Special Exception. Ms. McClain confirmed this continued hearing was properly noticed. The Board concurred with considering Case 24-47 before Case 24-44. Ms. Ditri indicated no concerns with proceeding.

Mr. Monziona joined the meeting.

51 **MOTION: To appoint Mr. Monzione to sit as a full member for this meeting. Motion by**
 52 **Mr. LaRochelle. Second by Mr. Morgan. Motion passed unanimously.**
 53

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

56
 57 Chair Rich read the public notice into the record. The Board reviewed the application for
 58 completeness. Mr. Morgan noted this application was accepted as complete as a previous
 59 meeting.

60
 61 Mr. Cronin stated this lot is in the Residential Commercial Zone, which by right, permits a wide
 62 variety of uses; he stated there has been activity at this site and explained that Mr. Flannery
 63 leases the site to a local contractor and the single family home is rented. Mr. Cronin stated there
 64 are three to five vehicles and equipment on the site at any given time. He stated the photos in the
 65 file are from a time when Heberts was working on an adjacent property to install a septic system
 66 so there were some materials on the site but that won't continue; there is no intention to have a
 67 contractor's yard on this site and they believe it would be best to handle the issues with a Special
 68 Exception with restrictions and limitations on the amount of equipment parked on the site. Mr.
 69 Cronin stated historically, most of the equipment is working off-site during working hours. He
 70 stated the NH DOT driveway permit process has been going on for a long time; he stated NH
 71 DOT has been diligently working with Mr. Flannery and engineers to resolve the issues with the
 72 driveway and suggested approval be contingent on this permit but they don't have any control
 73 when it will be obtained. Mr. Cronin stated there is no factual evidence that property values will
 74 be affected, noting there are a number of things that could be allowed on this site per the
 75 ordinance, but this proposal will have less impact than many other uses. He stated adequate
 76 utilities and facilities will be provided; there won't be any activity other than parking vehicles
 77 and equipment. Mr. Cronin stated per the Master Plan, this area is designated for this type of
 78 commercial use.

79
 80 Mr. Morgan asked Mr. Cronin to specifically define the limit of ten items they are willing to
 81 abide by. Mr. Cronin replied it would be 2 to 4 trucks and 3 pieces of equipment, which may
 82 vary; he confirmed no materials will be stored and would be comfortable with that as a
 83 condition. Mr. Cronin stated there has been discussion about relocation of the driveway with NH
 84 DOT. Mr. Flannery confirmed they are working with NH DOT's recommendation to move one
 85 of the driveways.

86
 87 Mr. Mankus asked if a trailer would be counted as a piece of the equipment. Mr. Flannery stated
 88 he doesn't expect that to be counted; 1 piece could be a truck and trailer. Mr. Mankus asked if
 89 equipment such as loaders and excavators would be operating on the site. Mr. Flannery stated the
 90 equipment would be used offsite. Mr. Cronin suggested that if a piece of requirement is on a
 91 trailer, it be counted as a single item but if off the trailer, it counts as an additional item.

92

93 Mr. Lee noted some of the recommendations from NH DOT. Mr. Flannery confirmed they are
94 working with NH DOT's plan.

95

96 Ms. Ditri stated she would like more specifics regarding the equipment to be parked in order for
97 the Special Exception to be granted and referenced the ordinance requirements for these details
98 to be on file.

99

100 Mr. LaRochelle asked if anything has been done, such as a buffer, to shield abutting properties,
101 as is typical with a contractor's yard. Mr. Flannery stated he is an abutter next door, and there
102 won't be any stock piles of any kind on the property. Chair Rich stated trees, shrubbery, fencing,
103 etc., are typically utilized for buffers around contractors yard and asked Mr. Flannery if he is
104 willing to do something like that. Mr. Flannery stated he is willing to do some screening. Mr.
105 Cronin suggested shrubbery.

106

107 The Board reviewed the contractor's yard criteria. Mr. Flannery confirmed there would be no
108 maintenance performed on the site by the tenant but service providers may be onsite if
109 emergency repairs are needed; routine maintenance would not be done on site. The driveway and
110 parking areas will be asphalt so there is no need for dust control.

111

112 Chair Rich stated at a recent time, as noted by the Code Enforcement Officer, there was a large
113 amount of material being stored near the home on the right hand side of the lot and asked what
114 was going on. Mr. Flannery stated that was for a new septic system for that home, which he
115 owns. He stated the "workshop" building is for an office use, no maintenance is being performed
116 there, and there is a septic system for the workshop.

117

118 Mr. LaRochelle asked when the septic system and water line were tied in to the Town system,
119 and if any permits were obtained. Mr. Flannery stated it was done a year and a half ago; there
120 was no permit and explained the water comes from the other building so it was determined a
121 permit wasn't needed. Mr. Lee noted the Water Department visited the site and approved of the
122 tie-in.

123

124 Chair Rich opened the hearing to input from anyone in opposition to the proposal.

125

126 Andrea Murray, abutter, stated she wasn't allowed to give testimony at the October 3, 2024
127 meeting, and noted the hearing was then continued. Ms. Murray stated on October 3, 2024, Mr.
128 Drescher testified that Hebert Septic System was at the location for one year without prior issues
129 or complaints, but she has some complaints. She stated there has been numerous vehicles, trucks
130 and trailers parked on the lot, which is contrary to the "few vehicles" indicated by Mr. Drescher
131 in October, and she stated the purpose of the ordinance is to prevent the overcrowding of land;
132 she stated the lot is very crowded, even after the septic system work was done. Ms. Murray
133 stated the multi-family unit already has limited parking, and there is no accounting for the
134 personal vehicles of the Hebert's employees. She stated the line of sight on the road is already an
135 issue, particularly when trucks are parked on the sidewalks; she is concerned that shrubbery will
136 cause more problems. She stated snow removal was also a problem this winter and has pictures
137 to show how the sidewalks were completely blocked by snow piles. Ms. Murray is concerned
138 about her property value being diminished now that there is a dumpster, a storage unit, and a

139 multi-family home on this lot. She stated she has pictures of the sidewalks being blocked and
140 believes her property values are being affected. Chair Rich asked if she has discussed this with a
141 real estate professional. Ms. Murray stated she tried, but didn't get a call back in time to obtain
142 an appraisal; she presented pictures for review by the Board and applicant's representative.

143

144 Chair Rich opened the hearing to input from anyone in support to the proposal. None was
145 indicated.

146

147 Roger Sample, stated he was the prior owner of this property, and the snow removal has been
148 done this way for many years as the Town comes through and cleans the sidewalks. He stated the
149 property looks better now than in the ten years he owned it, and has been fixed up nice; he stated
150 if they limit it to ten vehicles, that is what is there now. He stated they need small businesses in
151 Town and doesn't want to see it chased away.

152

153 Mr. Flannery stated the photos presented by Ms. Murray depicting trucks parked on the lot, were
154 in the driveway for the house and were only there during the process of clearing the trees in the
155 area at the time. He stated he understands the site line concerns but NH DOT will ensure those
156 issues are resolved.

157

158 Chair Rich closed the hearing to input from the public.

159

160 Chair Rich asked how they propose to enforce the conditions. Mr. Flannery stated they can
161 modify the lease for the tenant, and incorporate the conditions in the lease agreement.

162

163 Chair Rich asked if there is room for ten vehicles to park on the lot.. Ms. Ditri noted there are no
164 plans submitted to show the parking layout. Mr. Flannery stated there are vehicles parked on the
165 lot now, but less than ten, and they are still working on how equipment will go in and turn
166 around but the vehicles are all parked there now. Chair Rich asked how vehicles are parked there
167 if this is not a contractor's yard yet. Mr. Flannery confirmed it has been being used as a
168 contractor's yard. Mr. LaRochelle stated they need to see plans to show the parking for ten
169 vehicles as well as the NH DOT layout. Mr. Flannery stated the NH DOT commissioner has been
170 to the site and they are trying to work with the situation to improve it but it takes time.

171

172 Ms. Ditri noted Site Plan approval is needed through the Planning Board for this lot; she stated
173 the Notice of Violation sent August 2024 advised a Site Plan is required as the use is being
174 changed but no application has been received for that. Mr. Cronin stated it is his understanding
175 that the Special Exception is needed, along with conditions for the NH DOT permit, before going
176 to the Planning Board with a Site Plan.

177

178 Chair Rich asked if there are any plans to expand the usable space in the back of the lot, or
179 encroaching on the slopes. Mr. Flannery stated there are no plans but he could access it from the
180 rear of the lot. Chair Rich is concerned about conditions that may be needed for a Special
181 Exception could be onerous. Mr. Cronin stated that would be Mr. Flannery's responsibility to
182 satisfy all the conditions before receiving approval from the Planning Board.

183

184 The Board worked through the Special Exception worksheet.

185

186 **Discussion – Case #Z24-47 Article 401.D.17**

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

189 Mr. Lee stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in
190 the Zoning Ordinance, Article 520.B. The Board agreed 5-0-0.

191 Mr. LaRoche stated the specific site **is not** an appropriate location for the use; he stated there
192 are too many variables, particularly with the sight lines and driveway issues. He stated this type
193 of business is not appropriate for the location as it is a tight spot with a lot of equipment coming
194 and going. Mr. Morgan stated he agrees and doesn't believe it has been demonstrated that the site
195 has been improved to be appropriate. Mr. Mankus agreed, noting it is too much for the site. Chair
196 Rich agreed, noting there are no buffer zones and he is concerned about the size of the lot being
197 utilized. Mr. Lee stated based on the information presented and the time spent already with NH
198 DOT, there isn't enough detail presented to make it an appropriate location. The Board agreed 5-
199 0-0.

200 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
201 reduced due to incompatible land uses. He stated an abutter testified she believes values will be
202 diminished but no factual evidence was presented. The Board agreed 5-0-0.

203 Mr. Mankus stated that while there were valid concerns from abutters, there **is** valid objection
204 from abutters. Chair Rich stated there is objection but he doesn't believe it is valid and based on
205 demonstrable fact. Mr. LaRoche and Mr. Morgan agreed with Mr. Rich. The Board agreed 4-1-
206 0.

207 Chair Rich stated there **is** undue nuisance or serious hazard to pedestrian or vehicular traffic,
208 including the location and design of access-ways and off-street parking. He stated they don't
209 have NH DOT's input and plan to minimize the hazards. Mr. Lee agreed there is undue hazards
210 for pedestrians and off-street parking. Mr. Morgan agreed the driveway and parking issues have
211 not been adequately addressed. The Board agreed 5-0-0.

212 Mr. Lee stated adequate and appropriate facilities and utilities **will** be provided to ensure the
213 proper operation of the proposed use or structure. The Board 5-0-0.

214 Mr. LaRoche stated there **is** adequate area for safe and sanitary sewage disposal and water
215 supply. The Board agreed 5-0-0.

216 Mr. Morgan stated the proposed use or structure **is not** consistent with the spirit of this ordinance
217 and the intent of the Master Plan. He stated the spirit of the ordinance is the safety and well being
218 of the community and this proposal doesn't address that. The Board agreed 5-0-0.

219 **MOTION: To deny the request for a Special Exception to Article 401.D.17 for Case 24-47**
220 **based on the vote of the Board. Motion by Mr. Morgan. Second by Mr. Mankus. Motion**
221 **passed 5-0-0.**

222 Mr. Cronin asked that if they come back with a comprehensive plan and a NH DOT approval, the
223 Board will be able to consider the different proposal/application. Chair Rich replied that would
224 be correct.

225 Mr. Cronin requested that application for Case 24-44 be withdrawn.

226

227 2. NEW APPLICATIONS CONTINUED FROM 4/3/2025

Case #Z25-17 TF Moran, Inc., Alan Roscoe, Agent for Treasure Coast SPE LLC, Don Sorrentino, Owner	Map 4 Lot 13-0 Frank C. Gilman Highway	Special Exception Variance Rural Zone (RU)
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228 1. A **Special Exception** is requested for **Article 400 Section 401.A.7** to allow a Manufactured
229 Home Park in the Rural Zone.

230 2. A **Variance** is requested from **Article 400 Section 452.A.1** to permit an additional site area to
231 be reserved for a single family dwelling in a Manufactured Home Park.

232

233 Chair Rich read the public notice into the record.

234

235 Arianna Cory, Esq., representative for the applicant, stated this case was initially heard in August
236 2024; she stated the original plans approved at that time was for forty mobile home sites, and one
237 single family home, and the variance request was approved. Ms. Cory stated during that time, the
238 applicant was in the due diligence period with purchasing the property and relied on record data
239 available at that time. Since the Zoning Board of Adjustment approval, they have found there are
240 more wetlands that exist and also significant ledge that poses additional construction concerns.
241 She stated they have redeveloped a proposal plan based on the site conditions; she stated the lot
242 is more unique than initially assumed.

243

244 Alan Roscoe explained the plans initially presented to the Board in August 2024, do not depict
245 all the wetlands on the lot, determined by soil testing; the entire lot was surveyed and additional
246 ledge was found, which will make it difficult to construct the loop road initially proposed. Mr.
247 Roscoe stated the loop road would have required two wetlands crossings, which is not supported
248 by NH DES. He explained the density is being reduced for a total of 38 mobile home sites.

249

250 Mr. Roscoe stated the criteria for Special Exception are still met with the new proposal. Mr.
251 Sorrentino confirmed he will still occupy a single family home on the eastern portion of the lot,
252 with 37 designated mobile home sites. Mr. Roscoe stated the site is specific and will be a low
253 density approach with each site over 10,000 square feet. He stated the access from Route 140 is
254 not changing as the location has the best sight views on the State highway. Mr. Roscoe stated
255 adequate water will be provided by two wells on the site; there will be a community space and
256 walking trails, athletic fields and various amenities. The lot size has not changed, there is a
257 seventy-five foot buffer around the entire perimeter of the lot; the park will remain under single
258 ownership. He confirmed the property appraiser indicated there is no impact to the values of
259 surrounding properties. Mr. Roscoe noted a conventional subdivision would require two acre lots
260 but the area of alteration would be greater; he stated with a Special Exception, multi-family units
261 could also be permitted on this lot but this residential style development would be more
262 appropriate. He stated all the concerns of drainage, traffic and storm water management will be
263 addressed through the Planning Board and NH DES review processes. Mr. Roscoe stated this
264 proposal is consistent with the zoning ordinance requirements as well as the Master Plan, with a
265 majority of the land being preserved.

266

267 Mr. Lee asked if there will be access from Dudley or Tibbetts Road. Mr. Roscoe confirmed there
268 will be no access from either of those roads to this development; the proposed access is from

269 Route 140. He reiterated the overall setbacks, with the buffers will be seventy five feet.

270

271 Chair Rich noted the proposed sites are significantly closer to the back lot line. Mr. Roscoe
272 confirmed the buffer area will be the existing trees but any areas that are lacking, will be
273 augmented. He stated no drilling has been done yet for a well but they don't expect there to be a
274 problem with drilling two wells on 86 acres. They plan to have some single septic and multi-unit
275 septic systems; each home will have sufficient sanitary systems. Mr. Roscoe stated all the mobile
276 homes will be HUD approved.

277

278 Mr. Monziona confirmed a variance and special exception was granted for the prior plan, which
279 had more units; the only reason the plans were revised were due to constraints by wetlands and
280 topography. He questioned if this is more of an amendment to the original approvals. Ms. Cory
281 agreed that there were not material changes to the plans but it was the recommendation of the
282 Planning Department and Town Counsel, to come back before the Board.

283

284 Chair Rich noted there were concerns outlined in the Planner's Review, regarding work having
285 begun on the site; there has not been any oversight by the Town Engineer. Mr. Roscoe stated
286 some logging work was done and that is likely the work referenced. Mr. Sorrentino stated there
287 were some existing logging trails and they had to have excavators on site for test pits but no
288 roads have been started. Ms. Ditri confirmed there may have been some miscommunication
289 about the work being done. Mr. Roscoe stated the main road will be following some of the
290 logging trails.

291

292 Mr. LaRochelle asked about the location of the single family home for Mr. Sorrentino. It was
293 confirmed there will be separate systems for this house.

294

295 The Board reviewed the conditions for the prior approval: require NH DOT permit for entrance
296 and exit from Route 140; no access to Dudley and Tibbetts Road; NH DES permits to be obtain
297 for septic systems.

298

299 Chair Rich opened the hearing to input from the public.

300

301 Carson Peters, resident on Dudley Road, presented a written statement from Valerie Justin,
302 resident on Dudley Road, and read it into the record. Ms. Justin has concerns about the lot being
303 clear cut as well as the lack of transparency of the use for the homes.

304

305 Mr. Peters stated there has been a lot of work happening on the lot, creating noise, late at night;
306 he asked there be conditions on the hours the work is allowed. He stated he is concerned about
307 building a trailer park in Alton and doesn't believe it belongs in the rural area. He stated the
308 Town will lose its character. Mr. Peters stated Route 140 will need to be raised or the hill blasted
309 down, the allow for a 400 foot line of sight. He is concerned about the impact of 20 to 40
310 children in the school system.

311

312 David O'Neil, resident on Frank Gilman Highway, stated he is concerned about the water runoff
313 and then noise of kids in the development. He stated he doesn't believe it is just logging roads
314 and the the land has been clear cut.

315

316 Joe Couture, resident on Dudley Road, stated his land originally abutted this lot; when this case
317 was initially approved, it was with the condition that access be from Route 140 but now it
318 technically crosses his land. He stated he has several concerns including the runoff from the
319 slopes on the left side of the lot, which runs back into his property. He stated it was all done
320 incorrectly, and the seventy five foot buffer isn't accurate. He presented photos depicting the lots
321 and work done, explaining there should have been silt fencing and wetlands delineated before the
322 logging; he stated the lot has been stripped. Mr. Couture stated Mr. Sorrentino owns other drug
323 rehabilitation and half-way houses in Boscawen, and is concerned this may happen here; he
324 doesn't believe this is in line with the Master Plan and maintaining the rural community. He
325 stated he is a contractor and builds houses, but it needs to be done right and meet the community
326 standards.

327

328 Jessie Parrey, resident on Frank Gilman Highway, stated they weren't notified of the original
329 case because of the L shaped lot that was divided off and separated his lot from this lot.

330

331 Brianne Thompson, resident, stated they are trying to raise a family in a rural area and she is very
332 concerned about forty new neighbors and eight additional vehicles; she stated the road is
333 dangerous and a child was almost hit by a car in the area. She stated knowing that Mr. Sorrentino
334 owns other half-way houses is very concerned and requested that be a condition of any approval.

335

336 Mr. Parrey stated the Master Plan specifically calls for maintaining rural areas and doesn't
337 believe this meets that standard. He stated they have a manufactured home and were required to
338 have five acres and this negatively impacts them as there are different standards. Ms. Thompson
339 is also concerned about having walking paths around the perimeter of the lot and people going
340 off the trails to other's property. Mr. Parrey expressed concerns about his property value being
341 negatively impacted.

342

343 Steve Burke, resident, stated he is concerned about the breaking up of the rural nature of the
344 neighborhood; he asked for clarification about the owner of the property indicating that his new
345 home is going to be on a different spot and how it would be accessed.

346

347 Mr. Parrey stated there is roughly 50 to 60 homes on Route 140 from the Gilmanton line to
348 downtown; this would almost double the amount of homes on this road in Alton.

349

350 Mr. Peters stated there is one well shown on the plans but there are several homes in the area that
351 have problems with running out of water during the summer.

352

353 Ernani Storlazzi, resident, asked how they can justify doubling the number of homes in the Town
354 on Route 140; he also has concerns about runoff from the beaver pond and onto his property. Mr.
355 Storlazzi stated they did logging 10 feet from his property and now there are no trees; he stated a
356 logger told him they were clear cutting 47 acres.

357

358 Brian Dubisz, resident on Dudley Road, stated he has empathy for places that provide housing
359 for people in recovery, but people like that need certain services and doesn't believe a rural town
360 like Alton is going to be a good fit; he stated they need to address this use. Chair Rich stated that

361 isn't in the purview of this Board; he stated they listen to concerns but they can't mandate who is
362 living in the mobile homes. He stated at the last public hearing, the applicant testified the units
363 will be rentals and managed by him. The application was approved based on the information
364 presented and the case is before the Board again because of wetlands delineations and necessary
365 changes to the plan. Chair Rich stated this Board doesn't deal with Mr. Dubisz type of concerns
366 and that could be addressed by the Planning Board. He stated every town and city in the State of
367 New Hampshire has problems with housing, particularly for young families.

368
369 Mr. Monziona explained this Board deals with zoning and uses, so it has to be a use that is
370 allowed by the ordinance; a halfway house is a specific use and unless zoning allows that use, a
371 variance would be needed but it is not allowed in this zone.

372
373 Richard Couture, abutter, stated he purchased his property to retire in a quiet area; he stated he
374 spent a lot of money to have a well drilled because the water table is so low. He is concerned
375 about the effects of a well large enough for 38 units, on other wells in the area. Mr. Couture
376 stated the trees right up to his stonewall, were clear cut and there is not a buffer like there was
377 prior. Chair Rich asked if the trees were cut right to the property line. Mr. Couture confirmed
378 they were; he stated the work was also done after dark.

379
380 Mike Elliot, resident on Dudley Road, stated he concurs with the concerns about the water
381 supply. He stated the L shaped piece of land should have stipulations that it can't be used to
382 connect to Dudley or Tibbetts Road. Chair Rich stated the only means of egress from this
383 property will be Route 140. Mr. Elliot expressed concerns about the trees being logged right up
384 to the property lines.

385
386 Mr. Lee stated an email was received from Steve and Mercedes Warren, resident on Dudley
387 Road, and read this into the record. Mr. Warren has concerns about how a trailer park fits in the
388 Master Plan in the rural area; he also wants to be ensured there is no access to the development
389 from Dudley or Tibbetts Road.

390
391 Dustin Hilton, logger for the site, gave comments regarding the work he completed on the lot. He
392 confirmed some of the areas have been stripped and he excavated roadways for truck access. He
393 stated the rest of the lot is being selective cut.

394
395 Joel Arsenault, resident, stated his concerns are with the housing vacancy rate, which is about 0%
396 in Belknap County; he stated businesses are having a hard time finding employees as it's difficult
397 to find homes in the area. He stated they need to add housing options for young families. Mr.
398 Arsenault stated manufactured homes are a cost-effective solution for bringing in younger
399 families and employees; he referenced statistics which show a looming employee shortage and
400 aging population.

401
402 Alex Casale, resident, stated he has been in town for over twenty years and is supportive of this
403 project; he stated he has done a lot of volunteer work locally but if he was looking to move to
404 town today, he couldn't afford to buy a home here. He explained his experiences with young
405 families being unable to afford housing in the area.

Carolyn, resident on Stockbridge Road, stated she understands the need for affordable housing but its not just a local problem. She stated she came here to live in the rural area, from a mobile home park; she wants to be sure they are attracting good people to the town and doesn't want to see low income mobile home parks in town, despite good intentions for affordable housing.

Karin White, resident, stated she has a Master's degree and lives in a mobile home as its is the only affordable options for her in this town; she stated veterans also live in the mobile home park as its the only place they can afford to live.

Mr. Sample pointed out that water flow will be a Planning Board issue and they will look at the runoff.

Chair Rich closed the hearing to input from the public.

Ms. Cory stated she isn't going to address the concerns about statements claiming the project will be a halfway house as that is not what is being proposed; with respect to concerns about water and runoff, the Planning Board will deal with that. She stated this proposal is a conservative way to develop this lot when compared to other options; she stated there would be more area of disturbance with single family homes on two acre lots. Ms. Cory stated she respects the opinions of the abutters but none have demonstrable fact with regard to erosion and property values, noting the report submitted indicating there won't be any diminished property values. She reiterated there is a need for housing in the State and local community; she stated the homes won't be cheap but will be more affordable for families to move to town. Ms. Cory reiterated that Mr. Sorrentino have lived in Alton for more than fifteen years and want to continue to do so and have interests in keeping the manufactured home park suitable for them to live in as well.

Mr. Roscoe stated this is a manufactured home development project; it is allowed in Alton zoning with a special exception as long as certain criteria is met; he stated the homes will be stick built, on concrete foundations and will look like it was built on site. He stated all development standards will be met and it will not be different than is being proposed. Mr. Roscoe noted the Board has previously supported and approved this project, and they are asking to amend the approval or receive approval for the project changes due to wetlands and ledge, with less manufactured homes that initially approved.

Mr. Sorrentino stated in regard to the water supply, there is only going to be one well with a back up well; it the development was single family, there would be many more wells on the site. He stated there will be a holding tank as part of the well system. Mr. Roscoe noted they sited the well near a wetland area, near the top of the hill so to affect neighbors, they would have to be very deep to do so.

Mr. Monziona suggested this highlights the procedural problem; he stated if it were handled as an amendment, they could only look at the changes; however, since it was brought as a new development and new application, public comment has been received that is more expansive than the changes indicated. He suggested that from a legal perspective, the Board needs to determine if they will consider this an amendment or consider the entire project again.

Mr. Lee stated this case was approved for a variance and special exception and credits the applicant for bringing the entire case forward with full transparency; he stated abutters came at the prior public hearing and the same concerns were raised. Mr. Lee stated he believes they should only vote on the changes at hand as the project was already approved.

Mr. Morgan suggested the applicant make their desire known as far as whether they want to move forward with an amendment or a new application. Mr. Monziona noted there may not be legal right for a new application as its not a significant different proposal being presented; he agreed the Board should only consider the amendments and the Board would still need to go through the worksheet criteria.

Ms. Cory stated she initially requested this be an amendment but received pushback from the Town officials so a new application ended up being submitted. She stated she disagreed with a new application but did so for the purposes of transparency. Ms. Cory stated they are in favor of moving forward with amendments.

MOTION: To consider the application for Case Z25-17 as an amendment to the previously approved application, Case Z24-33. Motion by Mr. Morgan. Second by Mr. LaRochelle. Motion passed 5-0-0.

Discussion – Case #Z25-17

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

Mr. Lee stated that a plat/plan has been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B. The Board agreed 5-0-0.

Mr. LaRochelle stated the specific site is an appropriate location for the use; he stated this is an allowable use in the rural zone with a special exception; he stated its is on Route 140 and is an appropriate location. The Board agreed 5-0-0.

Mr. Morgan stated that actual evidence is not found that the property values in the district will be reduced due to incompatible land uses. He stated the land use is residential and the property around it is residential. The Board agreed 5-0-0.

Chair Rich stated that while there were concerns from abutters, there is no valid objection from abutters with demonstrable facts. Mr. Morgan stated the comments received were not relative to the amendments before the Board but rather the entire project. The Board agreed 5-0-0.

Mr. Lee stated there is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access-ways and off-street parking. He stated the driveway access will be reviewed by NH DOT. Chair Rich stated NH DOT will determine if there is any hazard to pedestrians or traffic. The Board agreed 5-0-0.

Mr. LaRochelle stated adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. The Board 5-0-0.

Mr. Morgan stated there is adequate area for safe and sanitary sewage disposal and water supply. He stated the applicant has demonstrated how that will be accomplished; NH DES will have to test all the assumptions before issuing their approval. The Board agreed 5-0-0.

496 Mr. Mankus stated the proposed use or structure is consistent with the spirit of this ordinance and
 497 the intent of the Master Plan. Chair Rich stated it is consistent as the Town needs affordable
 498 housing. Mr. LaRochelle stated he agrees as the intent is to allow the community to grow. The
 499 Board agreed 5-0-0.

500 **MOTION: To approve the request for a Special Exception for Case Z25-17 with the**
 501 **following conditions, also included with the approval of the original application, Case Z24-**
 502 **33:**

- 503 • The required NH DOT permit for the exit on and off Route 140 be obtained.
- 504 • There will be no access to Tibbets Road and Dudley Road.
- 505 • NH DES permits be obtained for the septic and sewer disposal systems.

506
 507 **Motion by Chair Rich. Second by Mr. Morgan. Motion passed 5-0-0.**

508 ***Discussion Case Z25-17 - Variance to Article 400 Section 452.A.1***

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

510 Mr. Lee stated granting the variance would not be contrary to the public interest. The Board
 511 agreed 5-0-0.

512 Mr. LaRochelle stated the request is in harmony with the spirit of the ordinance and the intent of
 513 the Master Plan to maintain the health, safety and character of the direct district within which it
 514 is proposed. He stated it is allowed by special exception and follows the guidelines of the Master
 515 Plan. The Board agreed 5-0-0.

516 Mr. Morgan stated that by granting the variance, substantial justice will be done. He stated the
 517 benefit to far outweighs any detriment to the public. The Board agreed 5-0-0.

518 Mr. Mankus stated the values of surrounding properties will not be diminished. He stated no
 519 information was submitted to indicate values would be diminished but a study was provided to
 520 indicate that values would not be diminished. The Board agreed 5-0-0.

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

523 *No fair and substantial relationship exists between the general public purposes of the ordinance*
 524 *provision and the specific application of that provision to the property;*

525 *The proposed use is a reasonable one.*

526 The Board agreed 5-0-0.

527

528 **MOTION: To approve the application for a variance to Article 400 Section 452.A.1 for**
 529 **Case Z25-17. Motion by Mr. LaRochelle. Second by Mr. Morgan. Motion passed 5-0-0.**

530 The Board took a five minute recess.

531

Case #Z25-19 Robert and Janet Broughton, Owners	Map 41 Lot 31 20 Sand Peep Lane	Variance Lakeshore Residential Zone (LR)
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532 **A Variance** is requested for Article 300 Section 327.A.2 to permit the construction of a garage

within the 25' front setback.

Chair Rich asked the applicant if they are willing to continue their case to the next meeting, June 5, 2025. The applicants agreed.

Continued to June 5, 2025

Case #Z25-20 Prospect Mountain Survey, Paul Zuzgo, Agent for Paulette C Alden Brooks 1997 Trust, Paulette C Alden Brooks, Trustee	Map 27 Lot 4 9 Barnes Avenue	Variances Residential Commercial Zone (RC) Residential Zone (R)
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1. An Equitable Waiver is requested for Article 300 Section 327.A to permit a new lot with an existing dwelling and deck in the setbacks.

2. A **Variance** is requested for Article 400 Section 443.A.1 to permit a new lot under with less than 15,000' minimum required lot area.

Chair Rich asked the applicant if they are willing to continue their case to the next meeting, June 5, 2025. The applicants agreed.

Continued to June 5, 2025

Case #Z25-18 Robert Miller, Esq. and Rick Chellman, PE, LLS, Agents for Richard Casale Family 2005 Irrevocable Trust, Richard Casale, Trustee	Map 16 Lots 18 & 20 Cherry Valley Road	Administrative Appeal Rural Zone (RU)
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An Administrative Appeal is requested in reference to the Planning Board's interpretation of the Alton Zoning Ordinance on 2/18/25 for Article 400 Sections 452 B & D.

Chair Rich read the public notice into the record. The Board reviewed the request submitted by Mr. Miller on behalf of the Richard Casale Family 2005 Irrevocable Trust. It was confirmed an agency letter is in the file for Mr. Miller.

Mr. Miller gave an overview of the appeal; he stated there are three issues: four of the proposed lots do not comply with Section 452 B; seven of the proposed lots do not comply with Section 452 D; the Planning Board misapplied the doctrine of administrative gloss. He stated three lots fail the contiguous buildable land requirements; ten do not comply with the Building Ordinance and are legally deficient.

Mr. Chellman presents maps showing the Lake Hospitality Group property in correlation to the Casale property, which is a significant abutter. He stated the zoning ordinance language says lots must have minimum contiguous buildable area, and explained the thresholds which include uplands and steep slopes. He presented slides showing the steep slopes and wetlands on the property, as well as the West Alton Brook; he stated this isn't an easy property to develop. Mr. Chellman stated the zoning ordinance describes a buildable envelop as being defined by setbacks; he disagrees with Town Counsel's advice that setbacks don't count the calculations and presented diagrams depicting how he believes they should be calculated. He stated the NH Supreme Court case is included in the documentation, supporting that setbacks cannot be counted in the buildable land. Mr. Chellman pointed out the wetlands and steep slopes on Lot 20-

571 7, noting the setback lines ,and there isn't enough contiguous buildable area. He stated the width
572 of lot frontage is required to be a minimum of 200 feet, outlining how the calculations should be
573 done but was not done with these lots. Mr. Chellman stated that due to the angles of the lots, they
574 lack the width of frontage, while the some lots have frontage at 200 feet, the side lot lines are not
575 200 feet apart. He argued that the word "width" is removed when the lots were designed and
576 words matter. Chair Rich stated the Board has always used the frontage on the road; he pointed
577 out on the plans where there is 200 feet between lot points at the frontage. He stated the way the
578 plans were done, are how the Town of Alton have always done it; he stated Town Counsel has
579 confirmed this the action of the Board and the calculations were correct. Mr. Miller argued he
580 believes that Town Counsel is wrong and the NH Supreme Court says the Town is wrong. Mr.
581 Chellman stated he doesn't dispute how the Town has done it in the past, noting in other zones it
582 is just the frontage but "width of frontage" was done for a reason to create regularity and is an
583 additional requirement to the contiguous, upland and not steep slope buildable area; he argued
584 that width relates to two lines with right angles and a lot's width has to be measured at the
585 frontage. He stated it won't affect any decisions in the past because appeal periods have passed
586 and suggested it is something in the ordinance that had not been noticed. Mr. Mankus asked what
587 the intent of 200 feet of width of frontage. Mr. Chellman replied it is to maintain space between
588 houses; he stated with steep angles, lots will have frontage but the lots will be narrow. Mr.
589 Mankus stated very few lots are perfectly square with perpendicular lines. Mr. Chellman stated
590 the language for the zones is different and the other zones require only length of frontage. Mr.
591 Mankus stated frontage is frontage from point A to point B. Chair Rich stated there are no lots in
592 the entire shorefront zone that have perpendicular lot lines. Mr. Chellman stated shorefront
593 dimensions are measured in length but in this zone the measurements are done differently; this
594 regulation is different.

595

596 Mr. Miller distributed quotes and information from the NH Supreme Court case, *Lincoln vs.*
597 *Chouinard*, for review by the Board, arguing that the they need to read the words and take them
598 in context, highlighting the different language between the residential and rural zones regarding
599 frontage measurements. He stated the Planning Board was confused when interpreting the
600 ordinance. Mr. Mankus stated he doesn't see where there is a requirement to have perpendicular
601 lines and right angles. Mr. Chellman stated they can't come up with a lot width without referring
602 to the side lines; frontage is a length only along the street; here, the lot width of frontage mean
603 they have to look at the lot and sidelines. Mr. Mankus stated he interprets the width of frontage to
604 be the length of the lot along the road. Chair Rich agreed, stating that is how the Town has
605 always interpreted the requirement. Mr. LaRochelle agreed. Mr. Miller suggested they are
606 prejudice against this appeal and have already predetermined their decision. Mr. LaRochelle
607 clarified he has not and they will hear the arguments by Mr. Chellman and Mr. Miller.

608

609 Mr. Chellman argued that this ordinance is different for this zone with the word "width". Chair
610 Rich stated for many years, the interpretation has been the frontage as the street. Mr. Chellman
611 stated past mistakes don't justify present ones; he stated he hasn't seen this before but the words
612 are different. Chair Rich stated it has never been considered this way in Alton.

613

614 Mr. Miller stated the Planning Board misapplied the doctrine, based on a legal precedent by the
615 Supreme Court. Chair Rich stated that is one case and reiterated that Town Counsel has advised
616 the Board the interpretation by the Board was correct. Mr. Miller stated its is possible that Town

617 Counsel is mistaken in this case and wrong; he stated they don't have to blindly follow legal
618 counsel. Mr. LaRochelle stated the members do not blindly follow and consider the information
619 presented. Mr. Mankus stated Mr. Miller is using confrontational language, accusing the Board
620 of prejudging a case and following wrong legal advice. Mr. Chellman stated this specific issue
621 hasn't been brought before the Board before but there are two issues of the contiguous area and
622 setbacks, that the Board needs to consider.

623

624 Mr. Morgan asked Mr. Miller how his client has standing in this appeal. Mr. Miller stated the
625 trust is abutter to the 140 acre parcel, at the top two parcels. Mr. Chellman stated they are
626 appealing the entire subdivision. Mr. Morgan asked to see on the maps, how the trust is an
627 abutter; he stated there is no standing to both argue against the 140 acre parcel and then against
628 the separate parcels. Mr. Miller stated the trust is appealing the Planning Board decision
629 regarding one large parcel, being subdivided into eighteen separate lots; he stated Mr. Casale's
630 lot shares a boundary with the 140 acre parcel. Mr. Morgan stated there is no shared boundary
631 line with the subdivided lots. Mr. Chellman stated abutters have standing to challenge
632 subdivision approval and that is what the administrative appeal is for.

633

634 Mr. Miller stated the Planning Board misapplied the doctrine of administrative gloss and it
635 should not have been applied in this case; he referenced case *Anderson vs. Motorsports*
636 Holdings, and submitted for inclusion in the record; he stated there are standards that have to be
637 followed for it to apply, including the statute being ambiguous. He argued that the statute is not
638 ambiguous and that width and length of frontage are different; the applicant also has to argue for
639 and present examples to support using the doctrine. Mr. Miller stated the issue hasn't come up in
640 Alton so administrative gloss can't be applied here. He reiterated that three of the lots don't
641 conform to the zoning ordinance for setbacks; seven fail the width of frontage requirement and
642 there is no administrative gloss; he stated if any one of those issues, they must reverse the
643 decision of the Planning Board.

644

645 Mr. Morgan asked what basis they should use to assume the setbacks are not correct. Mr.
646 Chellman stated per the ordinance the setbacks are defined within the envelope; he stated the
647 buildable area needs to exclude wetlands and steep slopes. Chair Rich asked if septic systems
648 and wells are considered in buildable areas. Mr. Chellman stated the ordinance treats those
649 differently; he stated a building can't be within setbacks. Chair Rich stated a septic system or a
650 well in those setbacks, those are buildable items. Mr. Miller referenced case *Doyle*, which
651 defines what can and cannot be built in setbacks.

652

653 John Cronin, Esq., representative for the principals in the application, Amy Grimm and Jeremy
654 Martin, stated when this property initially came before the Board, it was for The Glass Barn
655 project, which was ultimately withdrawn due to community conflict and social media
656 accusations. Mr. Cronin stated what is being asked with the Administrative Appeal is ridiculous;
657 they are asking for more road to be built to pick up a couple feet of frontage. He stated they are
658 proposing the Board "reads into" the ordinance, that every lot has to have right angles, which is
659 nowhere in the entire ordinance. Mr. Cronin argued that this isn't about the ordinance; its about
660 Mr. Casale, who has a house at the top of the hill, with a very steep driveway, like many
661 properties in the area. He stated many houses are built on hills in New Hampshire; he stated there
662 is history in the Planning Board records regarding this. He stated prior to The Glass Barn project,

663 Ms. Grimm reached out to her neighbors with her plans. Mr. Cronin stated Mr. Casale indicated
664 he believed he had the right to buy this land; he stated Ms. Grimm purchased the land on the
665 open market and wanted to develop it the way she wanted. He stated many things were done that
666 were not normal in challenging this subdivision, including planes flying around with signs to
667 “Stop The Glass Barn.” Mr. Cronin stated the it doesn’t make sense to require right angles on lots
668 in the rural zone and the ordinance does not read that way; he stated the Planning Board analyzed
669 the proposal, sought legal counsel, and an independent engineer reviewed the plans to ensure
670 compliance with the ordinance; he stated the project has had more scrutiny than any subdivision
671 he can think of and disagrees the issue hasn’t come up before; any time a subdivision comes
672 before the Boards, it is scrutinized and reviewed by the Town Manager, Highway Department,
673 the Town Planner, and the technical review committee; there was no issue with how the frontage
674 was designed. Mr. Cronin stated the Town Planner testified at one of the meetings the Town has
675 never calculated frontage in the way Mr. Chellman has proposed. He stated the lots are large with
676 plenty of space between homes; he pointed out Mr. Casale’s home is 200 feet in elevation below
677 the peak of this property; there is a thick forested wooded buffer between his home and the
678 property; it is 3/4 of a mile from Mr. Casale’s home to the lots that he has a problem with the
679 angles. He stated he agrees there is a statutory assumption regarding abutters having standing if
680 they are impacted differently than the community at large; he stated if the lots were smaller, there
681 would be a very different impact but in this case, Mr. Casale can’t see this lot; all the drainage
682 and road work is on the opposite side of the hill; there will be state of the art water management
683 systems and its not about lot size but to frustrate the project so he can buy the top of the property.
684 Mr. Cronin stated the ordinance has been interpreted consistently and there is no right angle
685 requirements; he stated there is plenty of acreage for this amount of homes. He argued that Mr.
686 Casale might have standing per the statute but doesn’t have any impact from the project. Mr.
687 Cronin stated in regard to administrative gloss, this issue has come up many times and
688 consistently been interpreted the way the Planning Board did it in this case, as they have with
689 every subdivision case. He stated the cases referenced by Mr. Miller aren’t applicable because
690 the Board doesn’t know the local ordinances. Mr. Cronin stated Mr. Casale has already filed a
691 lawsuit; he suggested that even if they presented the lots as Mr. Chellman has proposed, and
692 variances were needed, he believes they would find it in the best interested of the community to
693 grant the requests because of the residential uses in the rural zone and exceed the minimum
694 acreage requirements and are in the spirit of the ordinance for more housing, in line with the
695 Master Plan; he stated it would grant substantial justice to have eighteen lots on one hundred and
696 forty acres; the only person appealing is Mr. Casale even though there were a lot of people in
697 opposition at public hearings. Mr. Cronin asked the Board to affirm the decision by the Planning
698 Board; he stated if they don’t he would argue this is a unique piece of land, as stated by Mr.
699 Chellman, and single family homes on large lots are certainly reasonable use.

700

701 Mr. Morgan suggested this case be continued to allow for the Board to consult with Town
702 Counsel and allow time for the members to review the information presented in order to come to
703 the right decision. The Board agreed. Chair Rich noted the counsel used by the Zoning Board of
704 Adjustment cannot be the same counsel as used by this Board; the continuance may need to be
705 extended to allow for getting proper counsel.

706

707 **MOTION: To continue Case 25-18 to the meeting of June 5, 2025. Motion by Mr. Morgan.**
708 **Second by Mr. Lee. Motion passed unanimously.**

Case #Z25-21 Prospect Mountain Survey, Paul Zuzgo, Agent for Paulette C Alden Brooks 1997 Trust, Paulette C Alden Brooks, Trustee	Map 27 Lot 5 11 Barnes Avenue	Variances Residential Commercial Zone (RC) Residential Zone (R)
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An Equitable Waiver is requested for Article 300 Section 327.A to permit a new lot with an existing dwelling in the setbacks.

Continued to June 5, 2025.

OTHER BUSINESS

1. Previous Business:

- a. Board to vote in a Clerk.

MOTION: To appoint Mr. Morgan as Clerk for the Zoning Board of Adjustment. Motion by Mr. LaRochelle. Second by Chair Rich. Motion passed unanimously.

MOTION: To appoint Mr. Mankus as a full member for the Zoning Board of Adjustment. Motion by Chair Rich. Second by Mr. Lee. Motion passed unanimously.

MOTION: To remove Mike Hepworth as an alternate for the Zoning Board of Adjustment as he has not attended numerous meetings and has not been sworn in. Motion by Chair Rich. Second by Mr. LaRochelle. Motion passed unanimously.

- 2. New Business:** Discussion to consider Rehearing Request regarding Case #Z25-15, for Walter and Janice Borowski, Trustees of the Walter Borowski Living Trust.

The Board reviewed the request for rehearing submitted by Mr. Borowski.

MOTION: To grant the request for a rehearing for June 5, 2025. Motion by Mr. Morgan. Second by Mr. LaRochelle. Motion passed unanimously.

3. Approval of Minutes:

Meeting of March 6, 2025 - Edits were made: line 12 add "Alternate."

MOTION: To approve the minutes as amended. Motion by Mr. LaRochelle. Second by Mr. Morgan. Motion passed unanimously.

Meeting of April 3, 2025-Edits were made: line 12 add "Alternate."

MOTION: To approve the minutes as amended. Motion by Mr. Lee. Second by Mr. LaRochelle. Motion passed unanimously.

- 4. Correspondence:** None.

751 **MOTION: To adjourn the meeting. Motion by Mr. Lee. Second by Mr. LaRochelle. Motion**
752 **passed unanimously.**

753

754 The meeting was adjourned at 11:00 PM.

755

756 Respectfully Submitted,

757

758 Jennifer Riel, Recording Secretary

759

760 Minutes approved as amended: July 5, 2025