

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, June 5, 2025, at 6:00 PM
Alton Town Hall**

MEMBERS PRESENT

Tom Lee, Vice Chair (Acting Chair)
Tim Morgan, Clerk
Joe Mankus, Member
Paul Monzione, Alternate Member
Paul LaRochelle, Member & Selectman's Representative

OTHERS PRESENT

Tom Varney	Roger LaRochelle
Paul Zuzgo	Joe & Christine Perella
Thomas Ashcroft	Walter Borowski
Shawn Dunphy	John Bisson
Robert Broughton	Janet Broughton
Jillian Cote/Vanderneut	Cindy Theriault of W&B
Steve Grant	Dick Shea
Josh Thibeault	

CALL TO ORDER

Chair Lee, Acting Chair, called the meeting to order at 6:02 PM.

APPOINTMENT OF ALTERNATES

Mr. LaRochelle MOVED to have Mr. Monzione sit as a full member for this meeting.

Seconded by Mr. Morgan.

Chair Lee asked the board for a vote. (4-0-0)

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.

APPROVAL OF AGENDA

Mrs. Ditri noted Z25-15 Eagle's Way, variance #3 was not applicable.

Mr. Monziona MOVED to approve the agenda as amended.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

1. CONTINUED APPLICATION FROM APRIL 7, 2025

REQUEST TO CONTINUE UNTIL 7/10/2025 PER APPLICANT

Case #Z25-12 Changing Seasons Engineering, PLLC, Stephanie Richard, Agent for Richard Lundy, Owner	Map 15 Lot 9-3-1 Miramichie Hill Road	Special Exception Residential Rural Zone (RR)
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A **Special Exception** is requested for Article 400 Section 401.D.17 to permit a Contractor's Yard.

Mr. Morgan MOVED to continue the application to July 10, 2025.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

2. CONTINUED APPLICATIONS FROM MAY 1, 2025

REQUEST TO CONTINUE UNTIL 7/10/2025 PER APPLICANT

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.

Mr. Monziona recused himself from this case and went and sat in the audience.

John Bisson, representative for the Lakes Hospitality Group, approached the board by objecting to the continuance request. His concerns were that this had been a long process and that the board did not need any input from the public. He asked the board to issue a decision.

Chair Lee asked if any representatives were present on behalf of Mr. Casale; no one came to the table.

Mr. Morgan MOVED to deny the continuance request.

Seconded by Mr. LaRochelle.

Chair requested a roll call vote. Mr. Mankus, Aye; Mr. LaRochelle, Aye; Chair Lee, Aye. (4-0-0)

Chair Lee opened public input in favor of application; no one came to the table.

Chair Lee opened public input in opposition of application; no one came to the table.

Chair Lee suggested that the board go through segments 452B and 452D. Mr. Morgan noted that the applicant was using language which he didn't believe that the town interpreted the language the same way. If there was there'd be some rules as to how that measure was taken, how close it should be, how far away from the road, how many times it needs to be taken, or how far back. Mr. LaRochelle agreed with Mr. Morgan in that the planning board made the right decision with how it's been handled throughout the years. He also noted that 452B does not include a requirement that a lot have right angles or a minimum number of feet wide, except for where the lot touches the street or highway at that angle. Mr. Mankus agreed with Mr. LaRochelle (Inaudible). Chair Lee was in agreement with the remaining board members. He noted that the ZBA unanimously agrees and hereby adopts the Planning Boards findings in their written decision dated February 18, 2025. The word width in 452B does not include a requirement that a lot have right angles to a minimum number of feet wide, except that the lot touches the street or highway.

In regards to 452D, minimum buildable area, Mr. LaRochelle stated that he agreed with the Planning Boards findings that where intended to be excluded from the calculation of minimum buildable area or if the definition of building envelope was to be incorporated into section 452D, the voters would have done so. Mr. Morgan agreed with the interpretation. Chair Lee also agreed with the interpretation.

Mr. Morgan MOVED that the ZBA interpreted 452B and 452D the same as the Planning Board. Chair Lee asked for a motion for DENIAL. Mr. LaRochelle noted that was his motion.

Seconded by Mr. LaRochelle.

Chair Lee asked if all members were in favor of the denial. (Member of the public asked if the mics were on as it was difficult to hear the members speak) (4-0-0)

Mr. Monzione returned to his seat.

3. NEW APPLICATIONS

CONTINUED FROM MAY 1, 2025

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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A **Variance** is requested for Article 300 Section 327.A.2 to permit the construction of a garage within the 25' front setback.

Mr. and Mrs. Broughton came to the table to present their case.

Mr. Morgan MOVED that application Z25-19 was COMPLETE.

Seconded by Mr. Mankus.

Chair Lee asked the board for a vote. (5-0-0)

Mr. Broughton noted the single-story modular garage would be constructed on a slab foundation on an existing parking area that was constructed in 2021 and approved by the Wetlands Bureau. Due to wetlands there's no other place on the property to put the garage. No impact to abutting neighbors. Applicant provided garage specs to the board similar to what they planned to build. The garage size is 20' X 20', it will be 6' off the road and will be 39' from the house.

Mr. Monzione clarified that due to the unique topographical layout of the property, the garage would have to be 6' off the road instead of the required 25'. The 12' road is a private right-of-way which services five (5) other residential properties. Mr. Broughton noted that he spoke with two (2) of the abutters and they had no problem with the proposed garage. He noted that when they purchased the home they had to tear up the road to make repairs. Mr. Monzione was concerned about snow plowing. Mr. Broughton noted he was the one that removed the snow on both sides of the road in that area. The garage would be constructed with 10' walls and 12 pitch (20-25'). The existing 2' tall retaining walls will remain in place.

Chair Lee opened up public input in favor of the variance; no one came up to the table.
Chair Lee opened up public input in opposition to the variance; no one came up to the table.
Public input closed.

Chair Lee moved the Board to the worksheet.

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

Chair Lee stated granting the variance would not be contrary to the public interest. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Monzione agreed. Mr. Mankus agreed. (5-0-0)

Mr. LaRochelle stated the request is in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He noted that the garage is proposed to be 6' from the property, it is a reasonable request, and allowable by appearance. Mr. Monzione agreed that the spirit of the zoning ordinance and intent of the master plan regarding public rights-of-way made sense and was not contrary to zoning. Mr. Mankus agreed. (5-0-0)

Mr. Morgan stated that by granting the variance, substantial justice will be done. The benefit to the applicant for this proposal far outweighs the detriment to the Town of Alton as a whole. Mr. Monzione agreed. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

Mr. Monzione stated the values of surrounding properties will not be diminished. There has been no evidence presented that would indicate values would be diminished. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed for the same reasons. (5-0-0)

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

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

Chair Lee agreed. Mr. LaRochelle agreed. Mr. Morgan thought the wetlands made it hard to put the garage anywhere else, and the proposed use is reasonable. Mr. Monzione agreed with both of those things for the reasons he's already stated, and the proposed use is reasonable. Chair Lee also thought it was a reasonable use; Mr. LaRochelle agreed.

Mr. Morgan MOVED that the Board APPROVE the application for the variance request for Article 300 Section 327.A.2 to construct the garage for application Z25-19.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

CONTINUED FROM MAY 1, 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.

Mr. Zuzgo came to the table to present the case.

Mr. LaRochelle MOVED to ACCEPT application Z25-20 for an Equitable Waiver and Variance as complete.

Seconded by Mr. Morgan.

Chair Lee asked the board for a vote. (5-0-0)

Mr. Zuzgo noted that in order to rebuild the existing home the lot loading for the septic system would be insufficient which is why the lot line adjustment is taking place. This lot line adjustment would make the lots look better and give Lot 5 a backyard. These two (2) lots are located in two (2) different zones. He noted he was unsure which requirements to use, so he went with the 15,000 for each lot. Lot 4 had a little more than 15,000; Lot 4 had 13,000. Both lots now would meet state lot loading of 600 gallons a day. He noted that both the garages and the houses are currently located within the setbacks; the lot line adjustment addresses the garages being within the setbacks but not the houses.

Mr. Monzione noted that these two lots are existing and have non-conformities. The reason why variances are requested is because the lots are changing which now puts them into current zoning. Mr. Zuzgo noted the State took out minimum lot size regulations; lot size is regulated by the types

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of soils. The access to both properties will not change with this adjustment.

Chair Lee opened up public input in favor of the equitable waiver; no one came up to the table.
Chair Lee opened up public input in opposition to the equitable waiver; no one came up to the table. Public input closed.

Chair Lee moved the Board onto the worksheet.

Mr. Monzione questioned the need for the equitable waiver. Mr. Zuzgo noted his original application was for a variance, but after speaking with Mrs. Ditri, Code Official, it was determined to change the request to an equitable waiver for the existing building being within the setbacks. Mrs. Ditri noted a variance was required for a lot that's less than the required square footage, but they are also left with an existing deck in the setback. Mr. Monzione thought that if the Board moved forward with the criteria they would deal with things like the builder or the town wasn't aware things didn't end up the right way and the discrepancy was discovered after the fact. He noted that two (2) new lots were being created and they had to comply with zoning, but they couldn't because the buildings were in violation; therefore, variances were required instead. He thought that only one lot needed a variance because of square footage, and both lots for setbacks. Mr. Morgan agreed with Mr. Monzione's opinion that variances were needed in lieu of equitable waivers. Mr. Monzione suggested Mr. Zuzgo reapply for all variances and could use the same backup paperwork. Mr. Zuzgo noted that he was in front of the board for a prior application with the same request and received an equitable waiver.

Chair Lee noted that Mr. Zuzgo withdrew from Case #Z25-20 and will reapply with variances at the July 10 meeting. The application deadline is next Thursday. Mr. Zuzgo requested to waive the application fees.

Mr. Monzione MOVED to WAIVE any additional application fees.

Seconded by Chair Lee.

Chair Lee asked the board for a vote. (5-0-0)

CONTINUED FROM MAY 1, 2025

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.

See discussion above in Case #Z25-20 for information on Case #Z25-21.

248 **4. REHEARING**

Case #Z25-15 Prospect Mountain Survey, Josh Thibeault & Shawn Dunphy, Esq., Agents for Walter P. Borowski Living Trust, Walter and Janice Borowski, Trustees	Map 6 Lot 1 Eagles Way, Falcon Drive & Osprey Road	Rehearing for Special Exception Variances Rural Zone (RU)
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- 249 1. A **Special Exception** is requested for **Article 600 Section 602.C.3** to permit an individual
250 sewage disposal system within the Aquifer Protection Overlay District.
251 2. A **Variance** is requested for **Article 400 Section 452.A.1** to permit 57 manufactured
252 housing units in a park where only 28 are allowed per the rural zone density restrictions.
253 3. A **Variance** is requested for **Article 300 Section 350.C.4** to permit 57 manufactured
254 housing units in a manufactured housing park where only 28 are allowed.
255 4. A **Variance** is requested for **Article 300 Section 350.C.2.C** to permit a new manufactured
256 home to be 3.9' within the 30' interior park setback.

257
258 Attorney Dunphy came to the table to present the case.
259

260 Mr. Morgan confirmed that the Board approved the request for a rehearing at their last meeting. It
261 was noted that this application had been before the Board a few times. The first request was for
262 the individual septic systems being located within the aquifer district. The water supply is a
263 community water system which is regulated by NHDES. Testing takes place routinely. The
264 proposed septic system was needed for the additional home. The density issue was brought up at
265 the last meeting. Proposed Unit 57 is located outside the aquifer zone so no special exception was
266 required for that system.
267

268 Mr. LaRochelle asked if anything was different or had been added to the application request from
269 the last application. It was noted that additional information was provided. He asked the applicant
270 to explain why they didn't think their request affected the area. Attorney Dunphy noted that this
271 request was for a single system. He noted that additional information was provided in regard to
272 water. Mr. Monziona noted that the applicant asked for a rehearing on a decision that was adverse
273 to their application. Attorney Dunphy noted that with the rehearing, the discussion started anew.
274 Mr. Monziona noted that the rehearing was not to say you ruled one way and I'd like a rehearing to
275 rule another way. The requirement was to show that the Board's decision was unreasonable based
276 upon information provided or that the Board did something wrong. The burden was on the
277 applicant to show the Board what was unreasonable. Attorney Dunphy was prepared to re-present
278 the case and thought that they met the standards of a rehearing. Mr. LaRochelle thought that the
279 water test performed by the hydrologist and the issues with the septic were two different things.
280 Attorney Dunphy noted that the community water system required testing by the State. Mr.
281 Borowski has a certified tester to come and test the water periodically. He noted that NH DES was
282 aware that another unit was being constructed.
283

284 The first variance was for density. Attorney Dunphy talked about the need for housing for people
285 that wanted to downsize. The Master Plan talks about the need for open space housing
286 opportunities. Attorney Dunphy noted that there would be no additional burden on municipal

services. Mr. Morgan talked about some new legislation that was currently before the State. Attorney Dunphy noted that the hardship is that this property was developed in the 1980s, the use is reasonable and needed. The density used to be one (1) unit, now it's two (2). The circumstances of the land make it suitable for this type of use when it was created; it provides for a public need.

Mr. LaRochelle asked why the septic systems for the two (2) new proposed site areas were not tied in with the community septic. Attorney Dunphy noted that the community septic system was for Phase 1. He noted that Lot 56 had a home on it, but no one was living in it; Lot 57 had the RV on it but it was being removed, and it's outside of the aquifer zone.

Mr. LaRochelle asked if anything was added to the application request from the last application. Attorney Dunphy noted that he submitted an additional study from DES. Mr. LaRochelle stated that the special exception for Article 600 Section 602.C.3 to permit an individual sewage disposal system within an aquifer protection overlay district. The State says that if the system goes above that for a typical single-family home, it was prohibited. He asked Mr. Dunphy to explain why this was considered typical. Mr. Dunphy thought that the additional information that he provided to the Board would be helpful.

Mr. Monziona confirmed that the applicant wanted a rehearing on a decision because it was adverse to their application. Attorney Dunphy stated that the Board granted the rehearing request and that was why they were there. He thought that the Board was going to rehear the whole case, but Mr. Monziona noted that the applicant should only be presenting a legal reason as to why the ZBA's decision was either unlawful or unreasonable. He believed that he met the standards for a rehearing.

Mr. LaRochelle confirmed that the hydrologist was not hired to do the water testing. Attorney Dunphy referenced the ordinance where the town has the right to request a hydrologist to perform testing on the aquifer. It was confirmed that all three (3) applications were denied at the last meeting.

Mr. Morgan asked Attorney Dunphy about the variances. The density variance was for the two (2) additional units. The additional information that was provided supports the Master Plan's intention to add this type of additional housing in town. This property was unique because there weren't many of these types of housing in town.

Mrs. Ditri steered the Board back to the discussion of the special exception. Mr. LaRochelle asked if the existing 16 septic systems were inspected. It was noted that the individual systems and the community system did not have any issues. The permitting and approvals from NH DES were for 55 homes.

Mr. Monziona noted that the special exception was denied and there was a request to rehear this application, and if there was anything unlawful or unreasonable then they Board would have reason to rehear. Attorney Dunphy noted that he was unsure of the specifics as to why the Board granted it. Mr. Monziona noted that not everyone has the chance to come back before the Board if they didn't like their decision. They had to come back if their decision was

unlawful or unreasonable. The Board granted it, but its' up to Attorney Dunphy to state what was unlawful or unreasonable to provide additional information or new reasons why the special exception should be granted. Mr. Monzione asked what the grounds were that they requested the rehearing. Attorney Dunphy stated he wrote a lengthy document that outlined what he thought did not go properly. He respectfully disagreed with the Board's standards for a rehearing. Mr. Mankus asked what the additional information was. Attorney Dunphy noted that he submitted the information from DES. Mr. LaRochelle asked why the applicant didn't apply for an administrative appeal. Attorney Dunphy noted that he had the right to raise each issue with the Board by law, and it was their position to request a rehearing.

For the record, Mr. Monzione noted that on rehearing, the applicant was to present grounds that would entitle the applicant to rehear. If the rehearing was granted, then those grounds would be addressed, not to start from scratch, unless the entire procedure was wrong. Mr. Monzione thought that the Board should move forward anyways.

Mrs. Ditri noted that the talk about the testing came from the community well, but the issue at hand tonight was the testing of soils for the septic and that needed to be clear. Attorney Dunphy again noted the ordinance that required a hydrologist for water testing. He thought that the Board should make that determination. Mr. LaRochelle thought that a hydrologist should test the soils; Mr. Mankus agreed. Mr. Morgan thought that was the basis of the denial at the last meeting. He asked if Attorney Dunphy wanted to consult with his client about it. Board had a discussion while the applicant was consulting with his attorney, but the audio was difficult to hear... Attorney Dunphy noted that the applicant was willing to have a hydrologist perform some testing, but he asked to have it contingent upon tonight's approval. Mr. Morgan agreed with Mr. Monzione's analogy of how a rehearing should proceed, therefore, he had some difficulties with their presentation. Attorney Dunphy stated that he did provide new information and thought that pertained to the standards of a rehearing. Mr. Monzione asked if a conditional approval was provided pending the hydrologist report, what would that condition look like, versus continuing the application in order to provide the hydrology report and potentially receive approval without conditions. He was inclined to continue this application in order to have the applicant obtain the hydrologist's study. Attorney Dunphy pointed out that the ordinance states that it would be on behalf of the town to hire the hydrologist. Mr. Lee did not think that the rehearing consisted of rehearing the whole case and agreed with the need for the hydrologist's study and was not in favor of any contingencies. Attorney Dunphy asked if he could consult with his client. Board had a discussion while the applicant was consulting with his attorney, but the audio was difficult to hear... Attorney Dunphy was in agreeance with a continuance.

Attorney Dunphy was concerned that if they came back another month, they did not want to run into any additional issues that may arise, and it would become a further continuance. Mr. Monzione asked if Attorney Dunphy presented everything he wanted to. Attorney Dunphy noted that he may have some additional concerns, but they needed to have the hydrologist study first. Mr. Monzione noted that if the applicant wanted the Board to move forward with their decision, open public input, have the Board address the criteria, and come up with a contingency, they ran the risk of not receiving an approval because the hydrology report would

377 impact all of the criteria. Attorney Dunphy was looking for some guidance on some of the
378 criteria that did not have to do with the hydrology report.

379
380 Mr. Monziona noted that the applicant had the opportunity to address the issues at tonight's
381 rehearing. Another representative of the applicant's came to the table (audio is difficult to hear
382 so no name could be captured). He talked about the basis of a rehearing request where only
383 items that were wrong could be addressed. He thought that the Board had all of the
384 information that they needed to make a decision; all parties were present to address everything
385 (audio was difficult to hear during this conversation). Mr. Monziona wanted to make it clear
386 that this representative may have misunderstood him. He noted that the determination that he
387 made on how a rehearing should be handled was his opinion and that the applicant had every
388 opportunity to present their case. The applicant asked the Board to proceed with the special
389 exception process.

390
391 Chair Lee opened up public input in favor of the Special Exception; no one came up to the
392 table.

393 Chair Lee opened up public input in opposition to the Special Exception; no one came up to the
394 table.

395 Public input closed.

396
397 Chair Lee moved the Board to the worksheet.

398
399 *The Board must find that all the following conditions are met in order to grant the Special*
400 *Exception:*

401 Chair Lee stated that a plat has been submitted in accordance with the appropriate criteria in
402 Article 500 Section 520.B. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Monziona
403 agreed. Mr. Mankus agreed. (5-0-0)

404 Mr. LaRochelle stated the specific site is not an appropriate location for the use. He did not
405 think it was an appropriate location in the aquifer area. Mr. Morgan was also concerned about
406 the aquifer. Mr. Monziona agreed that the only way the Board would know if it was an
407 appropriate site for the use would be if they had the benefit of the hydrologist's report, but the
408 applicant denied to provide it. Mr. Mankus agreed with Mr. Monziona's reasons. Chair Lee
409 agreed as well. (5-0-0)

410 Mr. Morgan stated that factual evidence is not found that the property values in the district will
411 be reduced due to incompatible land uses. He noted that there was nothing presented in respect
412 to property values and the land use around it is being used as intended. Mr. Monziona agreed
413 and noted that nothing was demonstrated that property values would be reduced. Mr. Mankus
414 agreed. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

415 Mr. Monziona stated that there is no valid objection from abutters based on demonstrable fact.
416 The Board did not hear any objection from any abutters in person or in any other way. Mr.
417 Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. Mr. Morgan agreed there was no
418 valid objection. (5-0-0)

419 Mr. Mankus 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. Chair Lee agreed. Mr. LaRochelle agreed. Mr. Morgan agreed there was no undue nuisance. Mr. Monzione agreed and noted that nothing was going to impede pedestrian or vehicular traffic or create an undue nuisance for those.

Chair Lee stated adequate and appropriate facilities and utilities will not be provided to ensure the proper operation of the proposed use or structure. He could not comfortably say that the appropriate facilities and utilities would be appropriate due to the fact that he did not have the report in front of him stating that the facilities were functional. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Monzione agreed. (5-0-0)

Mr. LaRochelle stated there is not adequate area for safe and sanitary sewage disposal and water supply. He noted that it was undetermined whether the area was safe for the aquifer protection area due to added sewage. Mr. Morgan agreed there is no adequate area for safe and sanitary sewage disposal. Mr. Monzione agreed based upon the information provided. Mr. Mankus agreed. Chair Lee agreed. (5-0-0)

Mr. Morgan stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. He noted that one of the things that the Master Plan encourages is housing. He thought that the use was consistent. Mr. Monzione thought that the application was a good application for a good purpose, but they needed to be able to determine an important regarding the aquifer. He thought that the use was with the spirit of the ordinance and the Master Plan. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

Mr. Morgan MOVED that the Board DENY the Special Exception for Article 600 Section 602.C.3 for Case Z25-15.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

The Board was not sure if they had to move forward to address the Variances. Attorney Dunphy asked the Board to proceed so they had something to appeal. Chair Lee thought that since the Special Exception was denied that the Variances did not come into play. Attorney Dunphy again stated that he needed a decision. Mr. Monzione asked in regards to the Variance for Article 400 Section 452.8.1. to permit 57 manufactured homes where only 28 are allowed, if the applicant had the opportunity to present all their facts. Attorney Dunphy stated yes. He noted that during the Special Exception discussion, he wanted to incorporate that answer into the Variance, which were the hardships, specifically the substantial justice; there was no diminution of surrounds property values, he touched upon the public policy and the Master Plan. The Board decided to do separate worksheets for each Variance request.

Chair Lee moved the Board to the worksheet.

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

Chair Lee stated granting the variance would not be contrary to the public interest. Mr. LaRochelle agreed. Mr. Morgan thought the public interest was density and the request was to permit 57 units where the density was 28, therefore, he thought it was contrary to the public

interest. Mr. Monzione stated it would not be contrary and noted that there was 55 now and when the density changes it reduced it to 28, but the request is for only two additional. Mr. Mankus stated it would not be contrary. (4-1-0)

Mr. LaRochelle stated the request ***is not*** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He noted that there was a concern with the safety and character in relation to the aquifer. Mr. Morgan agreed that it was not in harmony with health and safety. Mr. Monzione stated that without the information regarding the aquifer, then it was not within the intent of the Master Plan to maintain the health, safety, and character of the district. Mr. Mankus stated it was not within the safety and character of the district. Chair Lee did not think it was in harmony. (5-0-0)

Mr. Morgan stated that by granting the variance, substantial justice ***will not be*** done. He noted that the risk to the public with the potential danger to the aquifer far outweighed the benefit to the applicant. Mr. Monzione agreed in light of the denial of the Special Exception. Mr. Mankus agreed that substantial justice would not be done. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

Mr. Monzione stated the values of surrounding properties ***will not be*** diminished. He noted that the information that was presented did not show that any properties would be diminished. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed for the same reasons. Mr. Morgan agreed that there would be no diminution of property values. (5-0-0)

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

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

Mr. Mankus thought that no fair and substantial relationship existed, and he did not think it was a reasonable use. Chair Lee agreed on i, but no on ii. Mr. LaRochelle agreed. Mr. Morgan thought there they were in violation of a substantial relationship between the general purpose of the ordinance. The ordinance is in place to protect the public. Mr. Monzione disagreed. Regarding the density issue alone in relation to what is already out there, the 55 units with only an additional two (2), for the purpose of providing housing, no substantial relationship existed between the general purpose of the ordinance that being density and what was already there; the proposed use is a reasonable one. (4-1-0) in favor of i.; and (4-1-0) against for ii.

Mr. Morgan MOVED that the Board DENY the Variance request for 400 Section 452.A.1 to permit 57 units where 28 units are permitted in Case Z25-15.
Seconded by Mr. Mankus.
Chair Lee asked the board for a vote. (5-0-0)

Chair Lee moved the Board to the worksheet for a Variance for Article 300 Section 350.C.2.C. to permit a new manufactured home to be 3.9' within the 30' interior park setback. Attorney Dunphy stated that this was a modest encroachment into the setback. The surrounding area in general, a lot of houses had similar types of setbacks. It was not going to affect the health, safety, and welfare. There was no concern of sight distance or overcrowding, and it was in harmony with the Master Plan; it was also a private road. Substantial justice would have been done because it would have allowed additional housing, it was not located near any boundaries, and it matched the existing interior. There were special conditions of the property and stated no fair relationship existed between the general public purposes of the ordinance and the specific application to the property. The proposed use was a reasonable one.

Mr. Monzione inquired about Variance #3 and thought that it may have been withdrawn. Attorney Dunphy noted that Mrs. Ditri noted it was a duplicate. Mrs. Ditri inquired about what this particular Variance would provide. She didn't think it applied at this point. Mr. Morgan noted that they Board should move forward with this decision because the applicant would need a decision to apply for an appeal.

Chair Lee opened up public input in favor of the Variance; no one came up to the table. Chair Lee opened up public input in opposition to the Variance; no one came up to the table. Public input closed.

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

Chair Lee stated granting the variance would not be contrary to the public interest. He noted if it was approved it would tie in with the rest of the community. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Monzione stated he thought it was a good application, but the Board needed more information. Mr. Mankus agreed. (5-0-0)

Mr. LaRochelle stated the request is in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He noted this was for the setback. Mr. Morgan noted that this was in regards to the setback and he thought it was in harmony of the spirit of the ordinance. Mr. Monzione agreed and did not think that this setback would be a problem. Mr. Mankus agreed. Chair Lee agreed. (5-0-0)

Mr. Morgan stated that by granting the variance, substantial justice will be done. He noted that the benefit to the applicant to have this setback outweighs any diminishing value to the public. Mr. Monzione agreed that substantial justice would be done in this community of homes; it was beneficial and it was a minor setback request. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

Mr. Monzione stated the values of surrounding properties will not be diminished. He did not think that a small setback encroachment would have any adverse effect. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. Mr. Morgan agreed. (5-0-0)

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

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

Mr. Mankus thought that no fair and substantial relationship existed, and he thought it was a reasonable use. Chair Lee agreed on both. Mr. LaRochelle agreed for the same reasons. Mr. Morgan agreed. Mr. Monzione agreed on both use and hardship. i.: (5-0-0); ii.: (5-0-0)

Mr. Morgan MOVED that the Board GRANT the Variance request for Article 300 Section 350.C.2.C. to permit the home to be withing 3.9’ within the setback for application Z25-15.

Seconded by Mr. Monzione.

Chair Lee asked the board for a vote. (5-0-0)

5. NEW APPLICATIONS

Case #Z25-22 Jeremiah Vanderneut & Jillian Cote, Agents for Christine & Joseph Perella, Owners	Map 25 Lots 33 & 31 Baxter Place Road	Variance Rural (RU) Zone
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A Variance is requested from Article 400 Section 452A.1 to allow a non-conforming lot of 1.08 acres, due to subsequent Lot Line Adjustment where lots under two (2) acres are not permitted.

Mr. Vanderneut and Ms. Cote came to the table to present the case.

Mr. Morgan MOVED to ACCEPT application Z25-22 as complete.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

Mr. Vanderneut noted that they were purchasing a small portion of land from the Perella’s, which would increase the value of their property. Mr. Monzione noted that the current lot was .29AC which was created prior to the current zoning regulation. He asked if there was a structure on the lot. Mr. Vanderneut stated that he had a house on the lot. Mr. LaRochelle noted that they were located near the dead end. The Merrymeeting Marsh was located out back of their house. The larger lot would stay conforming. (Could not hear the audience member speaking...) Mr. Monzione confirmed that the applicants needed to go to the Planning Board to receive approval from them.

Chair Lee opened up public input in favor of the proposal; no one came up to the table.

Chair Lee opened up public input in opposition; no one came up to the table.

Public input closed.

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

Chair Lee stated granting the variance would not be contrary to the public interest. Mr.

LaRochelle agreed. Mr. Morgan agreed. Mr. Monzione agreed. Mr. Mankus agreed. (5-0-0)

Mr. LaRochelle stated the request is in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He noted the applicants were making the lot less nonconforming. Mr. Morgan agreed. Mr. Monzione agreed. Mr. Mankus agreed. Chair Lee agreed. (5-0-0)

Mr. Morgan stated that by granting the variance, substantial justice will be done. He noted that the benefit to the applicant outweighs any detriment to the town or the people. Mr. Monzione agreed. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

Mr. Monzione stated the values of surrounding properties will not be diminished. He stated that no evidence was presented on that and he did not think that there was anything in the record that would indicate that properties would be diminished. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. Mr. Morgan agreed. (5-0-0)

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

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

Mr. Mankus thought that no fair and substantial relationship existed, and he thought it was a reasonable use. Chair Lee agreed on both. Mr. LaRochelle agreed on both. Mr. Morgan agreed on both. Mr. Monzione agreed on both. i.: (5-0-0); ii.: (5-0-0)

Mr. Morgan MOVED that the Board GRANT the Variance from Article 400 Section 452A.1 to create a new lot for application Z25-.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

Case #Z25-23 Varney Engineering, LLC, Tom Varney, Agent for Roger & Catherine LaRochelle, Owners	Map 38 Lot 55-1-4 4 Grammys Way	Special Exception Lakeshore Residential (LR) Zone
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A **Special Exception** is requested from **Article 300 Section 320.D.3.e** to allow the expansion of an existing building of more than 10% of the gross floor area.

Mr. Varney and Roger LaRochelle came to the table to present the case. Mr. LaRochelle, Board member, noted that there was no relation to Roger LaRochelle.

Mr. Morgan MOVED to ACCEPT application Z25-23 as complete.

Seconded by Mr. Monzione.

Chair Lee asked the board for a vote. (5-0-0)

637

638 Mr. Varney noted that Roger LaRochelle purchased the property in 2017 and would like to expand the
639 structure. (Audio difficult to hear) There was a request to construct a foundation under the structure.
640 Page two (2) of the plan indicated some diagrams of the building. Mr. Monzione noted that if there
641 was a nonconforming structure, someone could take it down, stay in the footprint, but if it was
642 expanded, it needed a special exception. He thought this request for expansion was within the
643 footprint and the floor area and wanted Mr. Varney to clarify. (Audio difficult to hear...) Chair Lee
644 read the ordinance and thought that this upgrade fit into the description.

645

646 Chair Lee opened up public input in favor of the proposal; no one came up to the table.

647 Chair Lee opened up public input in opposition; no one came up to the table.

648 Public input closed.

649

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

652 Chair Lee stated that a plat has been submitted in accordance with the appropriate criteria in
653 Article 500 Section 520.B. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Monzione
654 agreed. Mr. Mankus agreed. (5-0-0)

655 Mr. LaRochelle stated the specific site is an appropriate location for the use. He stated this was
656 a simple project by adding a foundation. Mr. Morgan agreed. Mr. Monzione agreed. Mr.
657 Mankus agreed. Chair Lee agreed. (5-0-0)

658 Mr. Morgan stated that factual evidence is not found that the property values in the district will
659 be reduced due to incompatible land uses. Mr. Monzione agreed that no faction evidence was
660 found. Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. (5-0-0)

661 Mr. Monzione stated that there is no valid objection from abutters based on demonstrable fact.
662 Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. Mr. Morgan agreed. (5-0-0)

663 Mr. Mankus stated there is no undue nuisance or serious hazard to pedestrian or vehicular
664 traffic, including the location and design of access-ways and off-street parking. Chair Lee
665 agreed. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Monzione agreed and noted that
666 nothing was submitted that showed otherwise. (5-0-0)

667 Chair Lee stated adequate and appropriate facilities and utilities will not be provided to ensure
668 the proper operation of the proposed use or structure. Mr. LaRochelle agreed. Mr. Morgan
669 agreed. Mr. Monzione agreed. Mr. Mankus agreed. (5-0-0)

670 Mr. LaRochelle stated there is adequate area for safe and sanitary sewage disposal and water
671 supply. He noted no changes were taking place with the septic system. Mr. Morgan agreed.
672 Mr. Monzione agreed. Mr. Mankus agreed. Chair Lee agreed. (5-0-0)

673 Mr. Morgan stated the proposed use or structure is consistent with the spirit of this ordinance
674 and the intent of the Master Plan. Mr. Monzione agreed. Mr. Mankus agreed. Chair Lee
675 agreed. Mr. LaRochelle agreed. (5-0-0)

676

677

Mr. Morgan MOVED that the Board APPROVE the Special Exception for Article 300 Section 320.D.3.e for application Case Z25-23.

Seconded by Mr. Mankus.

Chair Lee asked the board for a vote. (5-0-0)

Case #Z25-24 Prospect Mountain Survey, Agent for Steven Grant, Applicant for the T&M Fitzgerald Family Revocable Trust, Owner	Map 9 Lot 57 New Durham Road	Variance Residential Rural (RR) Zone
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A **Variance** is requested from **Article 400 Section 401.D.4** to allow a country store and gas station.

Mr. Monzione noted that he lived on New Durham Road and thought it would be best if he recused himself because he wasn't sure if he would be impacted by this proposal. Mr. Monzione went to sit in the audience.

Mr. Zuzgo and Mr. Grant came to the table to present the case.

Mr. Morgan MOVED that the Board accept application Z25-24 as COMPLETE.

Seconded by Mr. LaRochelle.

Chair Lee asked the board for a vote. (5-0-0)

Mr. Zuzgo noted that the application request was for a country store and a gas station. He shared with the Board that this property had been up for sale for several years. He noted that the other businesses around the traffic circle were commercial. He noted that they talked to DOT about the driveway access. (Recording was difficult to hear because several people were talking...) He noted that not a lot of wetlands would need to be filled. Mr. Morgan inquired about whether there would be improvements somewhere else in town to offset the fill. Mr. Zuzgo stated, no. The proposed driveway was located across from Huggins. Chair Lee noted that there was no access from NH Route 11. (This section of minutes is difficult to hear...) Mr. Zuzgo noted that they would probably have to perform a traffic study. The Board referenced the Master Plan. Mr. Grant talked about controlled access (audio is difficult to hear-Mr. Grant's mic may not be on). Mr. Zuzgo noted that there was an initial request for two (2) accesses, but DOT said, no. Chair Lee pointed out that the applicant thought it was a viable business because he was pursuing it. He thought it might be difficult to turn onto New Durham Road, and then turn into the gas station. Mr. Zuzgo noted that was what people had to do to get into McDonald's. Mr. Morgan thought that there was some trouble with DOT as far as getting driveway access for prior proposed projects. (Audio difficult to hear...)

Mr. LaRochelle inquired about any buffers from the circle or any signage directing people where to drive. Mr. Zuzgo noted that there would have to be signage. (Audio difficult to hear...) Chair Lee inquired about how big the building was going to be; roughly 1,600 s.f.. He then inquired how tall the building would be; roughly as tall as the Circle K Irving station in Farmington. Mr. LaRochelle noted that the information on the building was pretty vague; the Board usually receives more information. He inquired about the pumps and underground tanks. . (Audio difficult to hear...)

Chair Lee opened up public input in favor of this proposal for Case Z25-24; no one came up to the table.

Chair Lee opened up public input in opposition; no one came up to the table.
Public input closed.

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

Chair Lee stated granting the variance would not be contrary to the public interest. He noted it was a difficult piece of property that is zoned residential. Mr. LaRochelle agreed. Mr. Morgan agreed. Mr. Mankus agreed and thought it would be welcomed by most people for the reasons stated as the lines were currently backing up at the stations. (4-0-0)

Mr. LaRochelle stated the request is not in harmony with the spirit of the ordinance and the intent of the Master Plan even though the Master Plan stated they wanted to change zoning in the future, it was currently not allowed. The proposal was not in harmony with the zoning ordinance. Mr. Morgan thought it was in harmony of the spirit of the ordinance and intent of the Master Plan. Mr. Mankus agreed it was in harmony and the location was appropriate. Chair Lee agreed the request was in harmony. (1-3-0)

Mr. Morgan stated that by granting the variance, substantial justice will be done. He noted that the benefit to the applicant (inaudible). Mr. Mankus agreed. Chair Lee agreed. Mr. LaRochelle agreed. (4-0-0)

Mr. Mankus stated the values of surrounding properties will not be diminished. He stated this was a tough decision because there were no studies submitted. Chair Lee did not think this proposal would diminish the surrounding properties. Mr. LaRochelle agreed. Mr. Morgan agreed it would not. (4-0-0)

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

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

Chair Lee stated, yes, and thought this proposed use was a reasonable use. Mr. LaRochelle agreed it was reasonable. Mr. Morgan thought that there were difficulties on the property, and thought the proposed use was reasonable. Mr. Mankus agreed with both. (4-0-0)

Mr. Morgan MOVED that the Board GRANT the Variance request from Article 400 Section 401.D.4 to allow an Automotive Service Station for application Z25-24.

Seconded by Mr. Mankus.

Chair Lee asked the board for a vote. (4-0-0)

OTHER BUSINESS

1. Previous Business:

- a.** Board to select a second Board member for ZAC Committee

The Board decided to have Mr. Monzione sit as a member of ZAC.

2. New Business:

3. Approval of Minutes: ZBA meeting minutes of May 1, 2025

Mr. LaRochelle noted that on Page 6 of 19, on Line 191, the word “requirement” should be “equipment”. On Page 19 of 19, the motion to adjourn should state “Vice-Chair”.

Mrs. Ditri asked the Board if they had Robin McClain’s suggested changes to the minutes; the Board stated, yes.

Mr. LaRochelle MOVED to approve the minutes of May 1, 2025, as amended.

Seconded by Mr. Morgan.

Chair Lee asked the board for a vote. (4-0-1) Mr. Monzione abstained.

4. Correspondence: None.

ADJOURNMENT

Tom Lee, Acting Chair

Mr. LaRochelle MOVED to adjourn the meeting.

Seconded by Mr. Morgan.

Chair Lee asked the board for a vote. (5-0-0)

The meeting was adjourned at 9:40 PM.

Respectfully Submitted,

Zoe Pszenny

Zoe Pszenny, Recording Secretary

Assisted by Jessie A. MacArthur, Town Planner

Minutes approved as presented: July 10, 2025