

TOWN OF ALTON ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES
Thursday, September 4, 2025, at 6:00 P.M.
Alton Town Hall
REVISED MINUTES 11/3/2025

MEMBERS PRESENT

Tom Lee, Vice Chair
Tim Morgan, Member
Paul LaRochelle, Selectman's Representative
Paul Monzione, Alternate Member

OTHERS PRESENT

Stephen Nix
Nicholas Buonopane
Rob Carpenter
Marc Deroy
Walter Borowski
Shawn Dunphey
Josh Thibeault
Lisa Nicaastro
John Goodrich
Jason LaPlante
Alin Boldt
Dick Shea
Ryan Heath
Gary Walem
Thune Nalen
Maureen Kalfas
Maureen Pruka
Norma Ditri, Code Enforcement Officer

CALL TO ORDER

Vice Chair Lee welcomed everyone to the meeting. He stated that he is the Vice Chair and will be filling in for Chair Rich. He called the meeting to order at 6:04.

APPOINTMENT OF ALTERNATES

***Motion:* to appoint Mr. Monzione as a member of the Board for this meeting.**

Motion by Mr. Morgan. Second by Mr. LaRochelle. Vote was unanimous.

Acting Chair Lee stated they have had some transcription problems in past meetings. He asked that the Board members when they speak, to please preface it with their name first and that would make it easier for the transcriptionist to enter the correct names.

STATEMENT OF APPEAL PROCESS

The purpose of this hearing is to allow anyone to serve 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 established fact, however it should support the grounds that the Board must consider when making a determination, 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 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

INTRODUCTION OF BOARD MEMBERS

Acting Chair Lee introduced the Board members. Paul Monziona appointed for this meeting. Tim Morgan committee member, Paul Rochelle Selectman and committee member and himself Tom Lee Acting Chair along with Norma Ditri Code Enforcement Officer.

APPROVAL OF AGENDA

Acting Chair Lee asked Ms. Ditri if there were any changes with the agenda?
Ms. Ditri stated the copy of the agenda has Miramichie Hill Road as the first case, and that has been taken off. That case is coming in October.

2nd REHEARING

Case #Z25-15R Prospect Mountain Survey, Josh Thibeault and Shawn Dunphey, Esq., Agents for Walter P. Borowski Living Trust, Walter and Janice Borowski, Trustees	Map 6 Lot 1 Eagles Way, Falcon Drive & Osprey Road	2nd Rehearing for Special Exception Variances Rural Zone (RU)
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1. A Special Exception is requested for **Article 600 Section 602.C.3** to permit an individual sewage disposal system within the Aquifer Protection Overlay District.

2. A Variance is requested for **Article 400 Section 452.A.1** to permit 57 manufactured housing units in a park where only 28 are allowed per the rural zone density restrictions.

3. A Variance is requested for **Article 300 Section 350.B.2.C** to permit a new manufactured home to be 3.9' within the 30' interior park setback.

Acting Chair Lee stated the first case for tonight will be a re-hearing. If the parties concerned with Case Z25-15 would like to come forward please and just give the Board a moment to look over the application.

78 Acting Chair Lee stated he believed the Board did not have to go through the application process again.
79 This is strictly a rehearing.

80
81 Shawn Dunphey Attorney from Cronin, Besson and Zielinski stated he was here on behalf of Walter and
82 Janice Borowoski.

83
84 Acting Chair Lee stated this is a rehearing. The Board has heard the case before, without being
85 redundant and going through the entire case, he turned it over to Mr. Dunphey to explain his narrative
86 going forward for the re-hearing.

87
88 Mr. Dunphey said they were there for another rehearing request. This is the sixth meeting in a row that
89 this application has been before the board in some form. They are seeking approvals to permit Mr.
90 Borowski to provide two more houses in his existing manufactured housing community. One is inside
91 the aquifer zone, and one is not. Mr. Borowski has been attempting to build these two units since May of
92 2024. He submitted a building permit around that time. He didn't receive a response within a few
93 months, so he moved forward. He was told that he shouldn't have done that and immediately went and
94 tried to correct the issue by going through the permitting process. It was at that time that he was alerted
95 by town officials that his entire property file for the 55 manufactured home community had gone
96 missing. He spent time and money recreating the plans. After that was done, he was advised to go to the
97 Planning Board where he went for many meetings and was advised that he needed to come to the ZBA.

98
99 Mr. Dunphey stated he had reviewed the video from the Board's rehearing request and heard the
100 discussions, and that there's an acknowledgement that the last meeting could have gone better. There
101 was some acknowledgement by Mr. Monziona that there should be discussion on whether this special
102 exception applies. It's been our contention through many meetings that it doesn't, so tonight his intent is
103 to focus on that one issue in regard to the special exception.

104
105 Acting Chair Lee wanted to make sure they are talking right now about a special exception request for
106 Article 600, Section 602.C.3 to permit an individual sewage disposal system within the Aquifer
107 Protection Overlay District.

108
109 Mr. Dunphey said yes, and that they have raised in multiple of their submissions that this ordinance
110 provision doesn't apply to what they are doing. What they are seeking to do is to permit an individual
111 sewage disposal system within the aquifer protection overlay zone. The Zoning Ordinance provision
112 says on-site disposal of liquid or leachable waste by septic system receiving discharge other than that of
113 typical single-family domestic waste, are prohibited, unless a special exception is approved by the
114 Zoning Board of Adjustment. This is one septic system. It is completely separate from all the other ones
115 that are on the property. It is servicing one single home. This provision doesn't apply. He reviewed the
116 staff report, and it indicates that there is a two-acre requirement in the rural zone for a septic system. The
117 Zoning Ordinance provision for the rural zone states that it shall be available whether through septic
118 tanks, dry wells, leaching fields, or systems adequate under the rules and regulations of the New

Hampshire Department of Environmental Services Subservice Systems Bureau. It does not mention a two-acre minimum. It does not say that a septic system that is on a lot with other individual septic systems should all be construed as one system and that's been their contention. He believes the term that this is not a single-family situation was used, but if you look again to the Zoning Ordinance, it doesn't use that terminology. It looks at the actual unit that they are requesting, and the agenda says individual septic system. That is our contention tonight, and that's what he asked that the board make a determination on.

Acting Chair Lee stated for the Board's recollection, there's two properties that they are going to be discussing tonight. This one is the one that you're asking for the special exception for the individual septic.

Mr. Dunphey answered in the aquifer.

Acting Chair Lee stated this one is in the aquifer overlay. The other one is going to be different than this one.

Mr. Dunphey stated they just need the density variance for the other one. The septic system doesn't need this because it's not in the aquifer zone.

Mr. Monzione asked when you read this ordinance, where it says 'other than that typical of a 'single-family domestic waste, is that referring to the septic system? It says on-site disposal of liquid or leachable waste by a septic system receiving discharge other than that typical of a single-family domestic waste. Is that referring to the discharge or to the septic system? There are so many other septic systems on this same land and that might make that atypical of a septic system receiving discharge. Are you construing this ordinance as saying that the discharge has to be typical of a single-family domestic waste, or whether it's the septic system that has to be typical of a single-family in order for the special exception to apply?

Mr. Dunphey stated in this situation, the only unit that's before the Board is one septic system. He read it as a septic system receiving discharge other than that of typical single-family domestic waste. They have one unit that's used for discharge for single-family waste.

Mr. Monzione asked if all of the other septic systems on the same property do not impact this one that is going to include the aquifer?

Mr. Dunphey stated that is their contention and the actual request that is written supports that.

Mr. LaRochelle asked how many other single septic systems are already in the aquifer protection overlay?

160 Mr. Dunphey answered there are currently 17.
161
162 Mr. LaRochelle stated there are 17 in that area. How many are there on the community septic system?
163
164 Mr. Dunphey answered there are 38 units on the community septic system.
165
166 Mr. LaRochelle asked if there are any specific reasons as to why none of these have been attached to the
167 community septic system?
168
169 Mr. Dunphey answered the community septic system, He believed from their expert, Josh Thibeault, at
170 one of the last meetings stated that it's about capacity, there's no signs of failure, it's still working
171 properly, that's why they're just leaving that as is, and trying to add in new updated septic systems.
172
173 Mr. Morgan stated Mr. Dunphey said he read the minutes of our last meeting and may have seen that one
174 of the things the Board had been requesting was some sort of a permeability study or something to show
175 that it would properly leach in the aquifer protection area. Why did they not bring that?
176
177 Mr. Dunphey stated because they are here tonight to get a determination on whether or not the Board
178 believes this ordinance applies. They have already filed with the court and are ready to let a judge
179 decide. The Board granted the rehearing, so that's what they wanted to present tonight.
180
181 Mr. Morgan asked you filed with the court to decide what?
182
183 Mr. Dunphey answered for this very issue, to get a judge to decide it. It has been stayed pending this
184 hearing.
185
186 Mr. LaRochelle asked according to what he just said, nothing has changed since the last time that they
187 applied?
188
189 Mr. Dunphey answered that is correct.
190
191 Mr. LaRochelle asked no other additional information or anything is in this case tonight?
192
193 Mr. Dunphey answered no, it's still their contention that this doesn't apply. And that's what they are
194 asking for a decision on.
195
196 Mr. Monzione asked if the aquifer that's involved in this special exception is the same aquifer that the
197 other 17 leach systems are using?
198
199 Mr. Dunphey answered it's the same aquifer. It's a very large aquifer.
200

201 Acting Chair Lee asked one of the points of the last hearing was the back and forth over hydrologist
202 report. Mr. Morgan just asked if there's been any study or any follow up and if he heard correctly, no,
203 they are just trying to pursue this special exception as it stands on its merit and how they understand
204 how it's written up in the Zoning Board Ordinances?

205
206 Mr. Dunphey answered that is correct.

207
208 Mr. Monzione asked Mr. Dunphey if he thinks that if 17 other homes are putting waste in the aquifer
209 that that's not typical of the single-family domestic waste?

210
211 Mr. Dunphey stated that he doesn't think that's what the ordinance is asking for. He thinks they are
212 focusing on the one additional septic system. He noted the state has found that the septic load capacity
213 for this property is much greater than what they are asking. He thinks it's over 100 units is what they
214 believe this property can withstand with the amount of waste.

215
216 Mr. Monzione asked if it's determined that the special exception is needed because the language includes
217 this situation, because it's not typical of the single-family use, given that there are 17 other homes that
218 are using the same aquifer, then they would be prepared to present on the special exception and to take
219 the position that DES and their expert say it's okay even though there are 17 other units, is that right?

220
221 Mr. Dunphey answered right, they are here to get a determination on whether or not it applies.

222
223 Mr. Monzione asked in answer to the question, they wouldn't want to go forward if the Board said it
224 does apply, they don't want to have that hearing tonight as to whether they are entitled to it. They are
225 going to go forward with the court.

226
227 Mr. Dunphey answered if the board says it applies, they are presenting the same info, so it would be the
228 Board's discretion.

229
230 Acting Chair Lee asked if Mr. Dunphey had said documentation in regard to 100 units could handle the
231 load there?

232
233 Mr. Dunphey answered he did not have it with him.

234
235 Mr. Borowski stated that when they did the original plan they had to do a septic loading design for the
236 whole parcel. It was determined that the parcel could handle 451 bedrooms, which equates to 150 units.
237 They have 55 units there.

238
239 Acting Chair Lee stated that the Board was coming from the point of the aquifer is a very sensitive area,
240 and they want to make sure that it's protected because they would have much bigger problems if it
241 wasn't.

Mr. Borowski said he totally agrees and that's why they went to the state and their engineers determined they can put an individual septic system on that parcel.

Acting Chair Lee asked if there was anything else of Mr. Dunphey and Mr. Borowski.

Mr. Dunphey said not on the special exception.

Acting Chair Lee asked if there was anything else from the Board.

PUBLIC INPUT

Acting Chair Lee asked if there was anyone from the public that would like to speak to the Board that's in favor of this special exception? Please come forward.

Mr. Sample said he wanted to make one point. This is about the aquifer. Mr. Borowski has a community water system. The water system is tested every month. If this park was damaging the water, it would show up in a community water system. He's asking to add one building, it's already there because they didn't tell him he couldn't have it before when he applied. The state has already approved it. The system that he has there originally is for 90, which he hasn't put 90 people into, he's not overburdening the park.

Acting Chair Lee asked if there was anybody else that would like to come forward in favor of this special exception? Seeing none. Hearing none. He asked if there was anybody in the public who is opposed to this special exception? Please come forward.

Ms. Kalfas stated she lives on Church Street. She has followed this from the day that Mr. Borowski was involved with Richard Bly putting that in. She believes it was set up as a community where people could retire and live comfortably. The park cost has now precluded many people who are living there. With utilities, park rent and taxes, you're looking at about \$11,000 a year. That, to her, is a misrepresentation of affordability. She has rental property, and her rental property is nowhere near that kind of cost.

Acting Chair Lee asked if there was anybody else in the public that is in opposition to this special exception? Seeing none. Hearing none. Acting Chair Lee closed Public Input.

The Board went into non-public with legal counsel.

The Board returned from non-public.

Acting Chair Lee stated that Mr. Monzione was going to go through Article 600 Section 602.C.3 Mr. Monzione stated they were able to review the Article with Town Counsel. Their interpretation is that the article is specifically applying to the liquid or leachable waste and so if the liquid or leachable waste are not typical of single family domestic waste then a special exception is needed. If the liquid or leachable waste is typical of single family domestic waste then a special exception is not necessary.

283 All the information they have received allows them to conclude the liquid or leachable waste involved in
284 this septic are typical of single-family domestic waste and a special exception is not necessary.

285 **Motion: in light of that interpretation of Article 600 Section 602.C.3 that the Board find for this**
286 **particular application of Case Z25-15R Special Exception, that the Special Exception is not**
287 **necessary under the Ordinance.**

288 **Motion by Mr. Monzione. Second by Mr. Morgan. Vote was unanimous.**
289

290 Acting Chair Lee stated in regard to the variance requested for Article 400 Section 452.A.1 to permit 57
291 manufactured housing units in a park where only 28 are allowed for the rural zone density restrictions,
292 which was denied at the last meeting.

293
294 Acting Chair Lee asked what was the vote on that variance?

295
296 Mr. Dunphey answered that one was 4 to 1, in favor of denial.

297
298 Mr. Morgan asked Mr. Dunphey if he had the vote on the various criteria.

299
300 Mr. Dunphey said he had the notice of decision.

301
302 Acting Chair Lee stated he would run through the criteria and see if it matches up. It did match up.

303
304 Mr. Morgan proposed that the Board needed an opportunity to go back and read through the minutes of
305 that meeting and see what people's comments were with respect to the way they cast their ballots. And in
306 order to do that, he would ask that the Board continue this variance for a month to give them a chance to
307 do a little homework and find out exactly what the basis was for these conclusions.

308
309 Town Counsel spoke to this but was off microphone.

310
311 Mr. Monzione stated it is his recollection is that a lot of the findings of "No", the criteria were not met
312 were based in large part on the aquifer issue. He believes now that the Board has made a determination
313 on that, it would be helpful to hear it again.

314
315 Acting Chair Lee stated Counsel wants to go forward with this variance.

316
317 Mr. Dunphey stated this variance is to permit 57 manufactured housing units where only 28 are allowed
318 under the current Zoning Ordinance. When this park was created, the Zoning Ordinance required one
319 acre for each lot. The variance will not be contrary to the public interest. It focuses on whether the
320 essential character of the neighborhood is changed or there's a threat to public health, safety, or welfare.
321 This is an existing manufactured community on 57 acres. They are requesting to add two more units
322 within the existing manufactured housing community. It will match the existing neighborhood. There
323 will not be any threat to public health, safety, or welfare. The request is in harmony with the spirit of the

ordinance, the intent of the master plan. This is again within an existing, manufactured housing community. It is already a part of this zone. It's near the high school and a few other commercial uses and the master plan has noted a need for housing in Alton. Substantial justice will be done here. Mr. Borowski is seeking to add 2 additional units for housing. There's concerns about rental prices and, there's two ways of dealing with inflation, raise prices or increase the number of units. Mr. Borowski is trying to maintain it by increasing the units by two. There will be no diminution in surrounding property values because these two units are well within the existing community. The hardship is this property is unique in that it was designed and laid out at a time when it would have been allowed to have these two extra units. The proposed use is reasonable because of the existing nature of the property. And no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application to the property because it is an existing community and it is large enough to support these two extra units.

Mr. Morgan asked if Mr. Dunphey could address the Board briefly what he thinks the hardship is?

Mr. Dunphey stated under the hardship, they need to look at the unique characteristics of the property. It's an existing manufactured housing community. It was designed at a time when this density would have been allowed, one unit per one acre. It's 57 acres.

Acting Chair Lee asked if there were any other questions from the Board?

PUBLIC INPUT

Acting Chair Lee asked if there was anyone who would like to come forward in favor of this variance request? Seeing none. Hearing none. He asked if there was anyone who would like to come forward in opposition to this variance? Seeing none. Hearing none. He closed the public input.

Acting Chair Lee asked if there were any other questions from the Board?

Acting Chair Lee stated in regard to public interest, the variance will not be contrary to the public interest. The Board agreed.

Mr. LaRochelle stated the request is in harmony with the spirit of the ordinance, the Zoning Ordinance and the intent of the master plan and with the convenience, health, safety and character of the district within which it is proposed. The master plan does look for the improvement of building and having more buildings available for the public. Also, he thinks that because of the special exception and the question of the special exception was also a factor in the decision of making the request not being in harmony with the zoning and without the special exception, he believes it is in harmony. The Board agreed.

Mr. Morgan stated by granting the variance, substantial justice will be done. In this case, the benefit to the applicant outweighs any detriment to the people of the town of Alton. The Board agreed.

Mr. Monzione stated the request will not diminish the value of surrounding properties. There's been no evidence of any kind, whether members of the public or otherwise, that provide any basis for showing that this variance will diminish the value. The Board agreed.

Acting Chair Lee stated in regard to hardship, for purposes of the subparagraph, unnecessary hardship means that owing to special conditions of the property that distinguish it from other properties in the area. One, 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. That would be yes. And the proposed use is a reasonable one. He believes that's a yes. The Board agreed.

Motion: to that the application of Case #Z25-15R for a variance from Article 452.A.1 be approved. Motion by Mr. Monzione. Second by Mr. Morgan. Vote was unanimous.

NEW APPLICATION

Case #Z25-32 Paul M. Monzione, Applicant	Map 9 Lot 33-2 NH Route 11/239 Henry Wilson Highway	Administrative Appeal Rural Residential (RR) Zone
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An Administrative Appeal is requested for Article 500 Section 520.E in reference to the Planning Board's interpretation of the two-year deadline in the Alton Zoning Ordinance and predetermination of the application prior to hearing on 6/17/25.

Acting Chair Lee stated Case Z25-32, Paul Monzione applicant, map 9, lot 33-2, New Hampshire Route 11, 239 Henry Wilson Highway. It's an administrative appeal in the rural residential zone. Administrative Appeal request Article 500, Section 520.E, in reference to the Planning Board's interpretation of the two-year deadline in the Alton Zoning Ordinance and predetermination of the application prior to hearing on 6-17-25.

Mr. Nix stated he represents Paul Monzione and Mr. Monzione would like to request a continuance based on the three-member board.

Acting Chair Lee stated s with any case, when the board only meets the minimal quorum of three people an applicant can decide whether to hear the case or not and in this matter the applicant Paul Monzione and his legal counsel would like to continue this case until there are more board members available.

Motion: to grant the application for continuance.

Motion by Mr. Morgan. Second by Mr. LaRochelle. Vote was unanimous.

Acting Chair Lee said this matter should be continued to the October meeting.

Ms. Ditri said she has Thursday, October 2nd as the next ZBA meeting.

403 **NEW APPLICATION**

Case #Z25-33 Apex Land Solutions, LLC Agent for Sandstreet Investments, LLC	Map 9 Lot 10 Route 11/Henry Wilson Highway	Special Exception Rural (RU) Zone
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404 **A Special Exception** is requested for Article 400 Section 401.D.14 to permit a Building Trade Shop.

405
406 Acting Chair Lee stated the next case to be heard is case is Z25-33, Apex Land Solutions, LLC agent for
407 Sand Street Investments, LLC. Map 9, Lot 10, Route 11, Henry Wilson Highway. It's a special exception
408 in the rural zone. A special exception is requested for Article 400, Section 401.D.14 to permit a building
409 trade shop.

410
411 Mr. Heath stated his name and said he is there on behalf of Apex Land Solutions as a partner and agent.

412
413 ***Motion: to accept the application for Case #Z25-33 as complete.***

414 ***Motion by Mr. LaRochelle. Second by Mr. Morgan. Vote was unanimous.***

415
416 Mr. Heath asked to clarify, He is starting with the trade shop. This is a joint site plan with two different
417 businesses, two different applications. First and foremost, these properties are both located just outside
418 the traffic circle, heading towards New Durham, on the right-hand side. They back the river heading into
419 New Durham. This one in is 1. 9 acres in size and is Lot 10.

420
421 The proposal in front of the Board is to put an HVAC business in, but the best application under the
422 table of uses fell into a building trade shop. This is an existing business in town that is losing their
423 location, they are trying to locate them within the same town that they reside in and service. The
424 business intends to use the location mainly for housing their work vehicles. The business has
425 approximately eight work vehicles. They want to use the garage. It's proposed to be a 50x70 garage and
426 it is to house things like duct work, boilers, PVC piping, all the parts and components that go along with
427 an HVAC business.

428
429 Mr. Heath proceeded to go through the criteria.

430 1) that the plot plan has been submitted in accordance with the zoning regulations. Yes, that it has been
431 met.

432
433 2) is the specific site in an appropriate location for this business. He believes it's a great location that is
434 serviced by a state highway, it's outside the village area, it's not in any compact residential area, most of
435 the neighboring residential areas are serviced by a different road like New Durham Road. A lot of the
436 abutter notices went across the river to Baxter Place, but it would remove the business environment
437 reasonably away from other residential areas.

438
439 3) Factual evidence is not found that the property values in the district will be reduced due to
440 incompatible uses. Being on Rt 11, I believe that that's a good stretch of road for a commercial

business as there's not very much residential housing on route 11.

4) There is no valid objection from abutters based on just demonstrable fact. I haven't heard from any of abutters and there may be some here tonight.

5) there is no undue nuisance or serious hazard to pedestrians or vehicle traffic, including the location and design of the access way and off-street parking. The plan is to have a shared driveway off Route 11. They have been in conversations with DOT on preliminary discussions that access doesn't seem to be a problem. But the point is to use one consolidated access for both businesses being presented so that it reduces the amount of cuts, and improves sight line for pulling in and pulling out of Route 11.

6) the adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. It's proposed that these buildings will be serviced by a private septic system and a private well. They have done a site assessment. There's a close proximity to the river that backs those properties and puts it in the Shoreline Protection zone which will require a state Shoreline permit. A preliminary assessment shows they have plenty of space and adequate room to make sure they have the utilities, the parking, and the space for the business without impacting any of the Shoreline or 50 foot no impact area.

7) there is adequate area for safe and sanitary sewage disposal and water supply. It is a private well and septic and the preliminary assessments show they have enough upland and building envelope there to meet the criteria to get an acceptable septic system through the State and also a State Shoreline permit. There are two test pits that were done when it was subdivided and at the time, the data was favorable.

8) proposed use or structure is consistent with the spirit of the ordinance and the intent of the master plan because the master plan supports small business. This is an existing small business that is losing their location and looking to stay in town to continue to service townspeople, local businesses and surrounding areas. And the master plan promotes that. It also promotes it only in suitable areas where it's not going to be a burden in the middle of a residential cul-de-sac or area congested by residential homes. It removes it out of the area which is consistent with the master plan and it also is an increase in the tax revenue where business commercial tax revenue doesn't draw on our services as much so it's more revenue for the town coming in with business.

It is their intent with these buildings that they are going to be conventional stick-built structures. The garage doors will be to the rear; the front of the buildings will have residential style egress windows. The garage is designed to have 14-foot ceilings. They will have a floor truss system that's about 24 inches deep on the top and then there'll be attic trusses on the top. It will be below the 35-foot height requirement. The building will be consistent with other residential structures in the area, preserving the rural character of the community. They are also looking to put some dormers to break up the big rectangle look of a garage. The buildings are 50' x 70' and 60' x 80'.

482 Acting Chair Lee stated it's a large building. Mr. Heath mentioned storage of the HVAC equipment,
483 ductwork, et cetera. Is there actually going to be work taking place inside of it?

484

485 Mr. Heath answered no. The intent of it is that this business will book their clients and then respond to
486 the site. This site would be used more for a base of operation where their vans and their box trucks will
487 be parked. The employees will come in, park their personal vehicles. And then back into the garage, load
488 up with the daily supplies, and then leave for the day. Their trip generation would be minimal in
489 comparison to other large businesses that do in-house business. There might be an occasional client that
490 stops to book an appointment, but there will be no HVAC work being done on site.

491

492 Mr. Rochelle said everything that is fabricated is fabricated at the job location. The building is 50' x 70'.
493 Is there going to be a second floor?

494

495 Mr. Heath answered yes, just an attic trust system. The plan right now is that the business is just looking
496 to use it for storage. It's not going to be finished space. It's just going to have subfloor on the attic so
497 there will be an L-shaped staircase from the base to get up to the storage but they're just going to use it
498 for dry storage up.

499

500 Mr. LaRochelle asked if the vehicles are going to be parked inside at night?

501

502 Mr. Heath answered yes, there is the potential that some of them will be loaded the night before and
503 housed inside. The building is mainly being used for larger boilers and equipment so it won't be fully
504 open for it. There will be a few that will be parked overnight but he will not be able to house all of his
505 vehicles in there, the L-shaped parking is designed so that we he can line his service vehicles up out
506 back and then stage them for the next day.

507

508 Acting Chair Lee asked if this area can handle the delivery of the HVAC, the tractor trailer, the driveway
509 can handle that?

510

511 Mr. Heath answered yes, absolutely the entrance coming off Route 11 has got to be designed by state
512 standards, which is a 50 foot right away. There will be two large parking areas that will surround two
513 sides of the building so there's plenty of turn around and a safe place for deliveries.

514

515 Acting Chair Lee asked in exiting that property is that a right turn only?

516

517 Mr. Heath answered that will be something that will be defined by the state. The intention would be that
518 it wouldn't be. But that would be something that they'll look at as to whether it's going to be right turn
519 only out of there or not.

520

521 Mr. LaRochelle noticed that there's a public 10 foot right of way to the river, that's being relocated to
522 where the driveway area is, would people still walk between the buildings?

523

524 Mr. Heath stated looking at the previous subdivision that was found to be designated on the property he
525 stated it is not in use. It's heavily wooded and treed. The idea was that it was roughly about 10 or 15 feet
526 from the location that it was depicted on the previous plan and they thought it made more sense that if
527 they are going to cut an access way into the parking that they should allow any foot traffic that should
528 want to use it.

529

530 Mr. Monzione asked how big a lot is lot 10?

531

532 Mr. Heath answered that Lot 10 is 1.9 acres.

533

534 Mr. Monzione asked the intention is that the aesthetic of that will be kind of residential looking. And the
535 parking of the vehicles is going to be primarily during business hours, but did you say around back?

536

537 Mr. Heath said yes, the way the design is, the heavy volume of parking is to the back on the riverside
538 behind the building. The building is set up conceptually, so the building is sheltering most of the
539 activities and the garage doors are designed to be on the rear facing the river.

540

541 Mr. Monzione stated there was some concern from conservation commission about a lot of it being
542 within the shoreline protection act, and you'll be working with DES on that.

543

544 Acting Chair Lee asked if there were any other questions from the board?

545

546 **PUBLIC INPUT**

547 Acting Chair Lee asked if there was anyone who would like to come forward in favor of this special
548 exception request? Seeing none. Hearing none. He asked if there was anyone who would like to come
549 forward in opposition to this special exception? Seeing none. Hearing none. He closed the public input.

550

551 **DISCUSSION**

552 Acting Chair Lee stated a plan has been submitted in accordance with the appropriate criteria in Article
553 500, Section 520.B. The Board agreed.

554

555 Mr. LaRochelle stated the specific site is an appropriate location for the use. It is off the main stretch of
556 the road, and it serves many commercial businesses in that area and very few residential homes. The
557 Board agreed.

558

559 Mr. Morgan stated factual evidence has not found the property value in the district will be reduced due
560 to incompatible land uses. There was no real testimony with respect to property values. What's proposed
561 is not incompatible with the area or the master plan. The Board agreed.

562

563 Mr. Monzione stated there is no valid objection from the abutters based on demonstrable fact. The Board

did not here anything from the abutters when the matter was open to public input. The Board agreed.

Acting Chair Lee stated in regard to nuisance, 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. The applicant noted about DOT approval for the driveway and he feels there is no undue nuisance. Mr. Monziona stated he agreed but would request a condition that the applicant is going to require DOT approval for the traffic coming in and out. The Board agreed.

Mr. LaRochelle stated adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. These will all be done by state and local enforcement and codes. The Board agreed

Mr. Morgan stated there is adequate area for safe and sanitary sewage disposal and water supply. The Board has been told by the applicant that they would have a private well and private septic. He would ask the condition that they get DES approval because they're within the 250-foot shoreline setback. The Board agreed.

Mr. Monziona stated the proposed use of structure is consistent with the spirit of this ordinance and intent of the master plan. The ordinance does permit it by special exception and the intent of the master plan addresses commercial development. This is close to the circle where there's a lot of other commercial development going on, and he thinks it'll be a very consistent use. The Board agreed

Motion: that the Board approve Case #Z25-33 from Article 400 Section 401.D.14, owner Sand street Investments LLC and agent Apex Oil Solutions for the approval of the special exception with the condition of the septic system approvals and highway approvals of whether it's only a right-hand turn or both left and right-hand turns.

Motion by Mr. LaRochelle. Second by Mr. Monziona. Vote was unanimous.

NEW APPLICATION

Case #Z25-34 Apex Land Solutions, LLC Agent for Sandstreet Investments, LLC	Map 9 Lot 10-1 Route 11/Henry Wilson Highway	Special Exception Rural (RU) Zone
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A Special Exception is requested for Article 400 Section 401.D.8 to permit an Automotive and Truck Repair Garage.

Acting Chair Lee stated this is Case Z25-34, Apex Land Solutions LLC agent for Sand Street Investments LLC. Map 9, Lot 10-1, Route 11, Henry Wilson Highway, special exception in the rural zone. A special exception is requested for Article 400, Section 401.D.8 to permit an automotive and truck repair garage.

Motion: to accept the application for Case #Z25-34 as complete.

Motion by Mr. Morgan. Second by Mr. LaRochelle. Vote was unanimous.

Mr. Heath stated a lot of this is repetitive, but he would hit the highlights and then answer any follow up questions. The proposal is on map 9, lot 10-1. This lot is 3.7 acres. This was part of the initial wetland and site survey that they did identifying the high-water mark from the river and also the runoff from some cross drainage from Route 11, and what that does as far as wetland impact.

There is substantial upland to be able to suit the proposed conceptual of a 60' x 80' garage to be used as an automotive and truck repair garage. This is another local business that is losing their location and is trying to stay close to where they currently service and the customer base that they already have. They believe that it is an appropriate location for the business, based on its proximity to the traffic circle. It's being serviced by a state highway with breakdown lanes, a lot of straight visibility left and right.

It will be a shared access with the HVAC building. This building is 60' x 80'. This business will house vehicle lifts inside. It will have the same 14-foot ceilings. There is going to be dry storage above with attic trusses. They have to use floor truss system that's 24 inches deep to eliminate any kind of beams or lally columns because they need the floor space for the lifts.

The notable difference would be obviously the type of business. This being an automotive repair garage, there will be a bigger trip count which is the two combined together. They will have customer traffic coming in. There will be more in and out of typical entry during the early mornings because most customers are dropping their vehicles off. And then pickup is usually toward the later part of the day. And the vehicles that will be on site, they have roughly four employees. This building is designed with the majority of the parking behind the building and the service garage entrances will be to the rear. There is one service entrance that is on a gable end, but there is nothing that would face the street side or Route 11 that would be viewed by passing traffic or tourists coming into the community.

The structure will look as residential as we can in its type of materials, its makeup. Again, some dormers on the top to break up some of the shape and give a little more curb appeal. We're working with the windows too, standard double hung again to add a little bit more residential feel from the front, impact sort of sheltering the activities going on in the rear, height is less than 35 feet. The truss design is roughly 24 inches engineered floor truss. And then there's an attic truss going on top. You'll probably have probably a 7-12 pitch, at least at that point.

Acting Chair Lee said his biggest concern with it, is the vehicles. They have somebody towed in with a transmission problem that's leaking everywhere. Antifreeze issues. We have a lot of contaminants from vehicles. How is that going to be contained or managed?

Mr. Heath said a lot of that is all governed at the state level through the EPA. They're licensing as an auto garage requires them to comply with those rules and regulations about appropriate storage of hazardous materials, appropriate cleanup, appropriate notification should a spill occur. But most of that oversight is at the state level through the EPA.

Acting Chair Lee stated a lot of these types of businesses suddenly become a used car lot with multiple

643 vehicles being sold out front. That's not the intent here?
644

645 Mr. Heath answered no, not at all. He has the permission of the owner to discuss the business. To give
646 you an idea, this is Wayne's transmission. They're losing their location out front. And I bring that up
647 because I think it's important because it gives you a feeling of what you've seen for in and out traffic.
648 Also there is no intention to engage in any kind of auto sales or used car type of activity. They are
649 strictly maintenance and repair.
650

651 Mr. LaRochelle asked this being the 60' x 80' building, they'll have lifts inside, adequate lifts for doing
652 the work each day. Will anything be stored in there at the end of the day, at night, or will they remain
653 outdoors?
654

655 Mr. Heath answered there will be a large number of vehicles that aren't actively being repaired that will
656 be stored outdoors, but the idea and the design is to house four lifts. You can anticipate that most likely
657 at the end of the evening hours, most of those lifts will be occupied with cars that are disabled one way
658 or another under repair. There'll be enough storage in that building that they can house up to, roughly
659 about 10 vehicles. But definitely the designated workspaces is to be four lifts in there.
660

661 Acting Chair Lee asked if there were any other questions from the board?
662

663 Acting Chair Lee asked if there was anyone who would like to come forward in favor of this special
664 exception request?
665

666 Keith Chamberlain stated he is an abutter to this property. It's the only buildable lot left as you go east on
667 Route 11. He is in favor of the application. It's a little conflicting to see a garage that could have
668 unreasonable hours, pneumatic equipment, make a lot of noise, clanging and banging. But there's quite a
669 distance between this proposed property and my lot, probably 300 feet. But to build a house there or to
670 sell the lot as a buildable housing lot to someone, they might not look at that as a positive. There's only
671 so many trees that can block the view, but they don't block the sound that much. But he is in favor of that
672 section of highway. The river and the highway have created an impossible situation for a commercial
673 business and the traffic circle is an ideal to place have your business close to. So he thinks it's a good
674 idea.
675

676 He didn't attend the meetings where Gary Nadeau bought the property to the west of what Mr. Heath is
677 proposing. But he's cleared two lots in there and has proposed 12,000 to 14,000 square foot businesses,
678 two of them. Ideally, the effect visually is going to be a commercial stretch of heavy-duty commercial
679 businesses. I understand that what Ryan has proposed are a little smaller, but they're still along the
680 commercial venture.
681

682 They're all going to be relatively high, relatively big and designed nicely so people driving into town are
683 going to see nice buildings before they see the welcome to Alton sign. A proposal needs to be approved,

and something needs to be done with that intelligently and safely. We don't want to destroy the rural character of this town, but somehow, we've got to get more tax dollars and provide more jobs for people. For those reasons, I'm in favor of it, and I think it's a good idea. It looks really nice.

Acting Chair Lee asked if there was anyone who would like to come forward in opposition to this special exception? Seeing none. Hearing none. He closed the public input.

DISCUSSION

Acting Chair Lee stated a plan has been submitted in accordance with the appropriate criteria in Article 500, Section 520.B. The Board agreed.

Mr. LaRochelle stated the specific site is an appropriate location for this use. The Board agreed.

Mr. Morgan stated factual evidence is not found that the property value in the district will be reduced due to incompatible land uses. There hasn't been any testimony with respect to property values changing, but this is an area that can be enhanced by commercial development. The Board agreed.

Mr. Monzione stated there is no valid objection from abutters based on demonstrable fact. We did hear from an abutter who approved it. And there are some issues that were described by the abutter. But he thinks those will be addressed by the planning board. And he thinks it's been described here that the aesthetic of the buildings and so forth, similar to the prior one. There's no valid objection. The Board agreed.

Acting Chair Lee stated with regards to nuisance, 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 thinks that area has to certainly come under conditions of the DOT, as we previously mentioned on the past case based upon the location, but I don't feel there's any undue nuisance. The Board agreed.

Mr. LaRochelle stated adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Again, this will be under permitted uses from the building department, state, and town. The Board agreed.

Mr. Morgan stated there is adequate safe and sanitary sewage disposal and water supply. The applicant has said they will have a well for water supply and on-site sewage. We just ask that they conform with DES Shoreline setback requirements. The Board agreed.

Mr. Monzione stated the proposed use of structure is consistent with the spirit of this ordinance and the intent of the master plan. He thinks the same reasons that he articulated with regard to the prior application for special exception. The ordinance allows this under these circumstances, and the intent of the master plan does include commercial development in the right locations. The Board agreed.

Motion: to approve Case #Z25-34, Apex Land Solutions LLC agent for Sand Street Investment LLC for special exception from Article 400 section 401.D.8 to permit the automotive and truck repair garage.

Motion by Mr. LaRochelle. Second by Mr. Morgan. Vote was unanimous

PREVIOUS BUSINESS:

None

NEW BUSINESS

Mr. Monzione addressed the Board. I just want to make sure that if anybody has any issues with, you know, it's awkward for me to be on the board and have an application pending before the board. And, of course, I recuse myself and sit out there. If anybody, and the last time this came up, you know, I resigned from the board because I didn't want to be in that legal situation. But if any board member has any concerns or issues, you know, we can't discuss them privately. We can discuss it in a public session. I just wanted to bring that up and I would be happy to recuse myself, step down, take a temporary leave, or do whatever is appropriate given this difficult situation for me. I don't want to make it difficult for any of them. I just want to address that with you. I can't say this to you if I see you on the street or whatever. It's my opportunity to mention that. And please, you know, let me know. If anybody has any concerns or whatever about me being here, I will be happy to, you know.

Mr. LaRochelle said he recuses himself when it's necessary. He steps aside and I do not have any issues with that.

Acting Chair Lee said he felt the same. But I feel very confident knowing you from the board and respect you greatly that I also I'm very clear and non-biased in regard to I treat you like any other applicant. I think I can speak for most of the board on that.

Mr. Morgan said I think it's a sensitive issue, but I agree with the rest of the board. I just think it would be important for us to get this on the record when you come before the board. Otherwise, I'm fine.

Mr. Monzione thanked the Board.

APPROVAL OF MINUTES

Acting Chair Lee stated that there were numerous errors and discrepancies in the August minutes. Ms. Ditri suggested that they postpone approval of the minutes and that she would listen to the meeting and go through the minutes to correct some of the errors for the Board to review at the next meeting.

Motion: to continue the approval of the minutes of August 7th until the October meeting.

Motion by Mr. Morgan. Second by Mr. LaRochelle. Vote was 3-0-1. Mr. Monzione abstained.

766 **CORRESPONDENCE**

767 Acting Chair Lee stated there was no correspondence.

768

769 **ADJOURNMENT**

770 ***Motion: to adjourn***

771 **Motion by Mr. Monzione. Second by Mr. Morgan. Vote was unanimous.**

772 The meeting adjourned at 8:27 PM.

APPROVED