

1
2
3
4
5
6
**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, November 2, 2023, at 6:00 P.M.
Alton Town Hall**

7
8
9
10
11
12
13
MEMBERS PRESENT

Thomas Lee, Chair
Frank Rich, Vice Chair
Paul LaRochelle, Selectman's Representative
Tim Morgan, Member
Joe Mankaus, Alternate Member

14
15
16
17
18
19
20
21
22
23
24
25
26
27
OTHERS PRESENT

Padro Avila, Building Inspector
Jessica Call, Town Planner
Michael Metcalfe, Owner
Brad Jones, Jones and Beach
Gary Nadeau, Owner
John Dever, Agent
Jean & Charlna Croteau, Owners
William & Ann Smethurst, Owners
Scott Mosher, Owner
James Donovan, Owner
Chris Nadeau, Nobis Group
Clarke Fenner, Senergy Solar

28
29
30
CALL TO ORDER

Chair Lee called the meeting to order at 6:08 PM.

31
32
33
INTRODUCTION OF BOARD MEMBERS

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

34
35
36
APPOINTMENT OF ALTERNATES

No appointment of alternates.

37
38
39
40
41
42
43
44
45
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

46 standards set forth in the Zoning Ordinance have been or will be met.

47 **APPROVAL OF AGENDA**

48 Mr. Avila stated Case #Z23-28 is being continued; Case#Z23-21 has been withdrawn.

49

50 **MOTION: To approve the agenda. Motion by Mr. LaRochelle. Second by Mr. Rich.**

51 **Motion passed unanimously.**

52

53 **CONTINUING PUBLIC HEARINGS**

| | | |
|---|--------------------------------------|---|
| Case #Z23-16 Michael Metcalfe, Owner | Map 73 Lot 43 340 Sleepers Island | Variance Lakeshore Residential (LR) Zone |
|---|--------------------------------------|---|

54 A **Variance** is requested from **Article 300 Section 327A** to permit to allow the construction of a
55 shed within the side setback.

56

57 Chair Lee read the public notice into the record. The Board reviewed the application for
58 completeness.

59

60 **MOTION: To accept the application for Case #Z23-16 as complete. Motion by Mr.**
61 **Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**

62

63 Michael Metcalfe, Owner, stated he wants to build a shed that is within the side setback; he
64 confirmed a NH DES Shoreline Permit has been received and a survey was done.

65

66 Mr. Rich noted there is an existing shed. Mr. Metcalfe confirmed there is a shed but the size is being
67 expanded and the variance is needed because the shed will be 2.6 feet into the property line. The shed
68 will not have electricity or water; the deck on the shed will face the house and not the abutters
69 property. He stated the shed cannot be moved closer to the house because of the location of the septic
70 tank.

71

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

73

74 Chair Lee closed the public hearing.

75

76 The Board worked through the Variance Worksheet.

77

78 **Discussion – Case #Z23-16**

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

80 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated
81 there is an existing shed and the build-out of the shed will not further encroach on the property
82 line and is within the distance of the wells. Mr. Morgan noted there is not a deviation from the
83 existing shed. Board agreed.

84

85 Mr. Rich stated the request **is** in harmony with the spirit of the ordinance and the intent of the
86 Master Plan to maintain the health, safety, and character of the direct district within which it is
87 proposed. He stated Sleeper Island has many very small lots and the shed can be expanded
without doing any harm to the abutters but will improve the lot and area. Mr. Morgan stated the

88 intent of the Plan is to control density and access to the buildings and doesn't believe this is
89 contrary. The Board agreed.

90 Mr. Morgan stated that by granting the variance, substantial justice will be done. He stated the
91 benefit to the applicant outweighs any detriment to the Town. The Board agreed.

92 Mr. LaRochelle stated the values of surrounding properties will not be diminished. He stated the
93 abutters will not be able to see the shed and it won't diminish values. Mr. Rich stated no
94 evidence was submitted to indicate there would be a diminution of the values of surrounding
95 properties. The Board agreed.

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

98 i. *No fair and substantial relationship exists between the general public purposes of*
99 *the ordinance provision and the specific application of that provision to the*
100 *property;*

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

102 Chair Lee stated the proposed use is reasonable and the request is reasonable. The Board agreed.

103

104 **MOTION: To grant the request for a variance to Article 300 Section 327A for Case #Z23-16.**

105 **Motion by Mr. LaRochelle. Second by Mr. Morgan. Motion passed 4-0-0.**

106

| | | |
|--|---|--|
| Case #Z23-18 Jones & Beach, Brad Jones, Agent for Gary Nadeau, Owners | Map 9 Lot 9 NH Route 11, Alton | Special Exception Rural (RU) Zone |
|--|---|--|

107 A **Special Exception** is requested from **Article 400 Section 401.D.42 and Article 600 Section**
108 **602.C.3** to permit two proposed Retail Stores with associated parking areas and access drive onto
109 Route 11.

110

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

113

114 **MOTION: To accept the application for Case #Z23-18 as complete. Motion by Mr.**
115 **LaRochelle. Second by Mr. Rich. Motion passed 4-0-0.**

116

117 Brad Jones, Jones and Beach, representative for the owner, presented plans for two proposed
118 retail stores, which is allowed use by Special Exception. He stated the property has 1400 feet of
119 feet of frontage on Route 11 and is a 12 acre parcel. Mr. Jones stated there is no intention to
120 subdivide the lot. The buildable property on the lot is 7.3 acres; it is within the Aquifer
121 Protection District. There is 270 feet from Merrymeeting River to the proposed leach field. The
122 septic system will be a four-bedroom capacity, with a total of 1200 gallons of loading on the
123 entire parcel, which is less than two, single-family homes; there will be no showers as a normal
124 house would have. Mr. Jones stated the plans were reviewed by a hydrogeologist, David Gleen
125 and the report was submitted to the Board for review. He explained the US geological
126 classification for the lot does not have any restrictions. Mr. Jones stated the buildings are
127 proposed to be 800 feet apart and the septic systems will be 900 feet apart. Mr. LaRochelle noted

128 per the hydrogeologist report, the groundwater will be minimally impacted.

129

130 Mr. Morgan asked if Mr. Nadeau intends to own the land and do leases for the buildings. Mr.
131 Nadeau stated he does; he agreed to the condition that the buildings would not be leased to any
132 business that is considered a potential contamination source as outlined by the report.

133

134 Mr. Rich asked if the statements from the report are valid, noting it indicates there is no
135 guarantee as to the accuracy of the details. Mr. Jones stated the report relied on his reports and
136 plans and he has complete confidence in their data; the NH DES information comes from the
137 State of New Hampshire; the aquifer maps were done years ago and these are the standard used.
138 Mr. Rich stated the Board needs to be assured that if something comes up, the property owner
139 will address it. He stated he wants to be sure the record reflects the Board asking questions in
140 regard to potential uses in the future and that there will be restrictions that will protect the
141 aquifer.

142

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

144

145 Chair Lee closed the public hearing.

146

147 The Board worked through the Special Exception worksheet.

148

149 ***Discussion – Case #Z23-18***

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

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

154 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the site is 12
155 acres; the application will use little of the site and there is no question the Town needs small
156 retail locations for the benefit of the community. The Board agreed.

157 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
158 reduced due to incompatible land uses. He stated there was no testimony that values would
159 change in either direction. No factual evidence was submitted to indicate values would be
160 diminished. The Board agreed.

161 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact. No
162 letters or communications in opposition were received. The Board agreed.

163 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
164 including the location and design of accessways and off-street parking. He stated the access ways
165 and off-street parking are outlined in full details. The Fire Department, Highway Department and
166 State of New Hampshire have all indicated approval. The Board agreed.

167 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the
168 proper operation of the proposed use or structure. He stated detailed plans have been submitted
169 outlining the appropriate facilitation of utilities. The Board agreed.

170 Mr. Morgan stated there is adequate area for safe and sanitary sewage disposal and water supply.
171 He stated a report was submitted from Advantis to confirm. The Board agreed.

172 Mr. LaRochelle stated the proposed use or structure is consistent with the spirit of this ordinance
173 and the intent of the Master Plan. He stated they are doing what they can to make this property
174 safe and convenient for the property owner and the retailer; the buildings are of average size for
175 retail space and there is plenty of distance from the Merrymeeting River; a good survey was done
176 of the property. Mr. Rich stated it is consistent with the spirit of the ordinance and the Master
177 Plan and the applicant has done an exceptional job of maintaining the spirit and intent. The
178 Board agreed.

179 **MOTION: To approve the request for a Special Exception for Case #Z23-18, with the**
180 **following conditions:**

181
182 ***audio inaudible *****

183
184 **Motion by Mr. Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**
185

| | | |
|--|--|--|
| Case #Z23-19 Cerutti Contracting, LLC, Landon Allen/ John Dever, Agents for C, Janice Ferguson 2001 Revocable Trust, C Janice Ferguson & E. Karen Shirley, Trustees | Map 59 Lot 11 14 Melody Lane, Alton | Special Exception Lakeshore Residential (LR) Zone |
|--|--|--|

186 A **Special Exception** is requested from **Article 300 Section 320.J** to permit removal and
187 replacement of an existing two (2) bedroom cabin with a new two (2) Bedroom home that a
188 portion of the deck encroaches into the shorefront setback.

189
190 Chair Lee read the public notice into the record. Mr. Dever noted the original public notice
191 indicated there was an equitable waiver requested however the current agenda does not reflect
192 that. The Board reviewed the application for completeness. It was confirmed the documentation
193 for both was the same. Mr. Dever stated the survey was requested at the last meeting. Mr. Avila
194 confirmed the case was continued due to a lack of information at the last meeting.

195
196 **MOTION: To accept the application for Case #Z23-19 as complete. Motion by Mr.**
197 **Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**

198
199 Mr. Dever stated the request is to remove and replace a deck, which currently encroaches 32 feet
200 into the shorefront setback; there will be a new home and they want to retain the current
201 encroachment which will become a screened porch. He stated per the ordinance, that part of the
202 structure cannot be anything other than a porch; the structure was built in 1954 and family-
203 owned since 1958. Mr. Dever stated there is a State-approved septic system that was installed in
204 2003 for two bedrooms. The new structure will have two bedrooms; the existing well will be
205 used and the electrical system upgraded as required. It was confirmed the encroachment already
206 exists; it will be in the same location. The new home will not obstruct any views; there is
207 vegetation between the new house and abutting properties; the height will be a standard two-
208 story home. There will be no increase in the nonconforming aspect.

209
210 Chair Lee opened the hearing to input from the public. None was indicated.

211
212 Chair Lee closed the public hearing.

213
214 The Board worked through the Special Exception worksheet.

215
216 **Discussion – Case #Z23-19**

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

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

221 Mr. Morgan stated the specific site **is** an appropriate location for the use. He stated the use is not
222 changing. The Board agreed.

223 Mr. LaRoche stated that actual evidence **is not** found that the property values in the district
224 will be reduced due to incompatible land uses. He stated no factual evidence was submitted to
225 indicate values would be diminished. Mr. Rich stated the home will be improved with new safety
226 features and will increase the property value. The Board agreed.

227 Chair Lee stated there **is no** valid objection from abutters based on demonstrable fact. No letters
228 or communications in opposition were received. The Board agreed.

229 Mr. Rich stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
230 including the location and design of accessways and off-street parking. He stated there is no
231 change to these features; it is the same home in the same area. The Board agreed.

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

234 Mr. LaRoche stated there **is** adequate area for safe and sanitary sewage disposal and water
235 supply. He stated the septic system was installed to NH DES approval a few years ago. The
236 Board agreed.

237 Chair Lee stated the proposed use or structure **is** consistent with the spirit of this ordinance and
238 the intent of the Master Plan. Mr. Rich stated the spirit of the ordinance is to upgrade and this is
239 now the intent. The Board agreed.

240 ***EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS:***

241
242 *a) That the violation was not noticed or discovered by any owner, former owner, owner's agent*
243 *or representative, or municipal official, until after a structure in violation had been substantially*
244 *completed, or until after a lot or other division of land in violation had been subdivided by*
245 *conveyance to a bona fide purchaser for value;*

246
247 The Board agreed.

248
249 *b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire,*

250 *obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or*
251 *representative, but was instead caused by either a good faith error in measurement or*
252 *calculation made by an owner or owner 's agent or representative, or by an error in ordinance*
253 *interpretation or applicability made by a municipal official in the process of issuing a permit*
254 *over which that official had authority;*

255
256 The Board agreed.

257
258 *c) That the physical or dimensional violation does not constitute a public or private nuisance,*
259 *nor diminish the value of other property in the area, nor interfere with or adversely affect any*
260 *present or permissible future uses of any such property;*

261
262 The Board agreed.

263
264 *d) That due to the degree of past construction or investment made in ignorance of the facts*
265 *constituting the violation, the cost of correction so far outweighs any public benefit to be gained,*
266 *that it would be inequitable to require the violation to be corrected.*

267
268 Mr. LaRochelle stated the shed was built before there were zoning ordinances established and
269 the cost to move it would outweigh any benefit to the applicant. The Board agreed.

270
271 **MOTION: To approve the request for a Special Exception for Case #Z23-19. Motion by**
272 **Mr. LaRochelle. Second by Mr. Morgan. Motion passed 4-0-0.**

273
274 **MOTION: To approve the request for an Equitable Waiver for Case #23-19. Motion by**
275 **Mr. Rich. Second by Mr. Morgan. Motion passed 4-0-0.**

276
277 **NEW APPLICATIONS**

| | | |
|---|---|--|
| Case #Z23-21 Maxam North America Inc., Applicant for Green Oak Realty Development LLC, Keith Babb, Owner | Map 5 Lot 72 398 Suncook Valley Road | Special Exception Rural (RU) Zone |
|---|---|--|

278 A **Special Exception** is requested from **Article 400 Section 401.D.51** to permit the use of a
279 warehouse.

280
281 Chair Lee stated a written request to formally withdraw the application was received.

| | | |
|--|--|--|
| Case #Z23-22 Jean & Charlna Croteau, Owners | Map 34 Lot 33 28 Winni Avenue | Special Exception Residential Rural (RR) Zone |
|--|--|--|

283 A **Special Exception** is requested from **Article 300 Section 320.D** to permit the expansion of
284 non-conforming use to add ½ bathroom with laundry.

285
286 Chair Lee read the public notice into the record. The Board reviewed the application for
287 completeness.

288

289 **MOTION: To accept the application for Case #Z23-22 as complete. Motion by Mr.**
290 **Morgan. Second by Mr. Rich. Motion passed 4-0-0.**
291

292 Mr. Croteau stated they have a cottage at the Alton Bay Christian Conference Center and they
293 want up a 5 by 8 foot addition on the side for the purpose of having the laundry space at the main
294 level of the house and they want to move the bathroom to a more convenient location. It was
295 clarified that the only reason this is considered nonconforming is because the house is located
296 within the Conference Center.

297
298 Mr. Rich confirmed approval was obtained from the Association and Bradley Smith, the
299 Executive Director.

300
301 Mr. Croteau stated no views will be obstructed and the cottage will still be 17 feet from the
302 closest abutter.

303
304 Chair Lee opened the hearing to input from the public. None was indicated.

305
306 Chair Lee closed the public hearing.

307
308 The Board worked through the Special Exception worksheet.

309 \

310 ***Discussion – Case #Z23-22***

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

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

315 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the applicant
316 only wants to increase the laundry area and it is an appropriate location. The use is not changing.
317 The Board agreed.

318 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
319 reduced due to incompatible land uses. He stated no factual evidence was submitted to indicate
320 values would be diminished. The Board agreed.

321 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact. No
322 letters or communications in opposition were received. The Board agreed.

323 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
324 including the location and design of accessways and off-street parking. He stated there is no
325 change to these features; it is the same home in the same area. Mr. Rich stated if there were any
326 concern, it would have been indicated by the Association. The Board agreed.

327 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the
328 proper operation of the proposed use or structure. He stated the property is being improved. The
329 Board agreed.

330 Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

331 The Board agreed.

332 Mr. LaRochelle stated the proposed use or structure is consistent with the spirit of this ordinance
333 and the intent of the Master Plan. The Board agreed.

334
335 **MOTION: To approve the request for a Special Exception for Case #Z23-22. Motion by**
336 **Mr. Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**
337

| | | |
|---|---|--|
| Case #Z23-23 William & Ann Smethurst, Owners | Map 62 Lot 1 51 Indian Shores Road | Special Exception Lakeshore Residential (LR) Zone |
|---|---|--|

338 A **Special Exception** is requested from **Article 300 Section 320.H** to permit the addition of a
339 deck on the front of the property into the 30' water setback.

340
341 Chair Lee read the public notice into the record. The Board reviewed the application for
342 completeness.

343
344 **MOTION: To accept the application for Case #Z23-23 as complete. Motion by Mr.**
345 **Morgan. Second by Mr. Rich. Motion passed 4-0-0.**

346
347 Mr. Smethurst stated they can't move the foundation further back from the shoreline due to the
348 slope of the property; he stated the impervious surface of the lot will not be changed as the deck
349 will not have a roof. He stated the deck will only be 8 feet wide; it will not affect the view of any
350 abutters and will be consistent with other properties in the area. It was confirmed there is no
351 existing deck; there will be roughly 320 square feet of the deck encroaching into the setback.

352
353 Chair Lee confirmed the plans were reviewed by department heads; he stated the Conservation
354 Commission objects to allowing this deck to encroach into the 30-foot setback.

355
356 Mr. Rich noted the lot is only 29,000 square feet so there is not a lot of room to expand.

357
358 Mr. Smethurst read a letter from abutter Robert Reagan, indicating support of the proposal. The
359 letter was submitted to be included in the record.

360
361 Chair Lee opened the hearing to input from the public.

362
363 A resident abutter stated she is also in favor of the addition.

364
365 Chair Lee closed the public hearing.

366
367 The Board worked through the Special Exception worksheet.

368
369 **Discussion – Case #Z23-23**

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

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

374 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the applicant is
375 trying to improve his property; it is a small lot and the encroachment on the setback does not
376 hinder any visibility. It is an appropriate location for the use. The use is not changing. The
377 Board agreed.

378 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
379 reduced due to incompatible land uses. He stated no factual evidence was submitted to indicate
380 values would be diminished. The Board agreed.

381 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact. No
382 letters or communications in opposition were received however testimony was received in
383 support of the proposal. The Board agreed.

384 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
385 including the location and design of accessways and off-street parking. He stated there is no
386 change to these features. The Board agreed.

387 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the
388 proper operation of the proposed use or structure. He stated the property is being improved. The
389 Board agreed.

390 Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply.
391 The Board agreed.

392 Mr. LaRoche stated the proposed use or structure **is** consistent with the spirit of this ordinance
393 and the intent of the Master Plan. The Board agreed.

394 **MOTION: To approve the request for a Special Exception for Case #Z23-23. Motion by**
395 **Mr. Morgan. Second by Mr. Rich. Motion passed 4-0-0.**

396

| | | |
|--------------------------------------|---|--|
| Case #Z23-14 Scott & Janis Mosher | Map 34 Lot 33-66 113 Mitchell Avenue | Special Exception Residential Rural (RR) Zone |
|--------------------------------------|---|--|

397 A **Special Exception** is requested from **Article 300, Section 320.D. & G.** to permit upgrading
398 and expanding existing cottage.

399
400 Chair Lee read the public notice into the record. The Board reviewed the application for
401 completeness.

402

403 **MOTION: To accept the application for Case #Z23-14 as complete. Motion by Mr.**
404 **Morgan. Second by Mr. Rich. Motion passed 4-0-0.**

405

406 Mr. Mosher stated their house is in the Alton Bay Christian Conference Center; they have owned
407 it for 28 years and are looking to do upgrades. He explained the details of the expansion. It was
408 clarified the only reason the property is nonconforming is because of the house location within
409 the Conference Center.

410

411 Chair Lee confirmed a letter was received from Bradly Smith, the Executive Director for the

412 Conference Center, indicating approval of the proposal. It was confirmed the cottage is seasonal
413 use only.

414
415 Chair Lee opened the hearing to input from the public. None was indicated.

416
417 Chair Lee closed the public hearing.

418
419 The Board worked through the Special Exception worksheet.

420
421 **Discussion – Case #Z23-14**

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

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

426 Mr. Rich stated the specific site **is** an appropriate location for the use. It is an appropriate
427 location for the use. The use is not changing. The Board agreed.

428 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
429 reduced due to incompatible land uses. He stated no factual evidence was submitted to indicate
430 values would be diminished. The Board agreed.

431 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact. No
432 letters or communications in opposition were received from abutters outside of the Conference
433 center. The Board agreed.

434 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
435 including the location and design of accessways and off-street parking. He stated there is no
436 change to these features; there is no expansion of the footprint. The Board agreed.

437 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the
438 proper operation of the proposed use or structure. He stated the property is being improved. The
439 Board agreed.

440 Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply.
441 The Board agreed.

442 Mr. LaRoche stated the proposed use or structure **is** consistent with the spirit of this ordinance
443 and the intent of the Master Plan. The Board agreed.

444 **MOTION: To approve the request for a Special Exception for Case #Z23-14. Motion by**
445 **Mr. Morgan. Second by Mr. Rich. Motion passed 4-0-0.**

446

| | | |
|--|--|--|
| Case #Z23-26 Jones & Beach Engineers Inc., Agent for James Donovan, Owner | Map 43 Lot 22 297 Trask Side Road | Special Exception Lakeshore Residential (LR) Zone |
|--|--|--|

447 A **Special Exception** is requested from **Article 300, Section 320.J.** to permit the replacement
448 of a non-conforming structure.

449

450 Chair Lee read the public notice into the record. The Board reviewed the application for
451 completeness.

452
453 **MOTION: To accept the application for Case #Z23-26 as complete. Motion by Mr.**
454 **Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**

455
456 Mr. Jones stated Mr. Donovan wants to raze the existing house and rebuild a house; the three-
457 bedroom septic system was installed in 2020; he explained the existing condition of the house
458 goes over the 30-foot setback by about 1 foot. He stated that makes the lot nonconforming
459 however the proposed house will be pulled back and will meet the building setbacks; he stated
460 the house is moved back as far as possible. It was confirmed a NH DES Shoreline Permit was
461 approved.

462
463 Mr. Avila stated with the structure being moved further from the setback, the lot becomes less
464 nonconforming by about 42 square feet.

465
466 Chair Lee opened the hearing to input from the public. None was indicated.

467
468 Chair Lee closed the public hearing.

469
470 The Board worked through the Special Exception worksheet.

471
472 **Discussion – Case #Z23-26**

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

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

477 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the applicant is
478 tearing down what is existing and building a new home. It is an appropriate location for the use.
479 The use is not changing. The Board agreed.

480 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
481 reduced due to incompatible land uses. He stated no factual evidence was submitted to indicate
482 values would be diminished. The Board agreed.

483 Mr. LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. No
484 letters or communications in opposition were received. The Board agreed.

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

487 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the
488 proper operation of the proposed use or structure. He stated the property is being improved with
489 a new home. The Board agreed.

490 Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply.
491 He stated the NH DES approved septic system is only a couple of years old. The Board agreed.

492 Mr. LaRochelle stated the proposed use or structure is consistent with the spirit of this ordinance
493 and the intent of the Master Plan. He stated an old existing home is being replaced with a new an
494 improved home. The Board agreed.

495 **MOTION: To approve the request for a Special Exception for Case #Z23-26. Motion by**
496 **Mr. Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**
497

| | | |
|--|---|--|
| Case #Z23-27 Correlate Inc., Agent for David R. Hussey Revocable Trust, David Hussey, Trustee and Owner | Map 5 Lot 72-7 356 Suncook Valley Road | Special Exception Rural (RU) Zone |
|--|---|--|

498 A **Special Exception** is requested from **Article 400, Section 401.F.8** to permit a utility scale
499 solar energy system and/or solar farm.
500

501 Chair Lee read the public notice into the record. The Board reviewed the application for
502 completeness. It was confirmed there is an Agency Authorization letter from the owner.
503

504 **MOTION: To accept the application for Case #Z23-27 as complete. Motion by Mr.**
505 **LaRochelle. Second by Mr. Morgan. Motion passed 4-0-0.**
506

507 Mr. Nadeau gave an overview of the 2 megawatt solar array at Mr. Hussey's property; he stated
508 the property is 130-acre lot and there will be about 5,000 fixed-tilt panels, oriented to the south.
509 He stated there would be an 8-foot fence around the entire perimeter of the array. Mr. Nadeau
510 presented pictures of the property, noting the panels will barely be visible from the road. He
511 stated an Alternation of Terrain permit was required from the State of New Hampshire and there
512 are stringent requirements for managing stormwater. The runoff will be captured in infiltration
513 ponds and put back into the ground. The access will be from the existing driveway and a NH
514 DOT driveway permit will be required. Mr. Nadeau stated it will be a passive use of the
515 property, there is no noise or discharge of contaminants into the ground and renewable power
516 will be put back into the electric grid. There will be no impact to municipal services.
517

518 Chair Lee gave an overview of concerns by department heads; the Conservation Commission, a
519 legally recognized abutter to the property, did not receive an abutters notice and objects to being
520 deprived of his right to comment as an abutter. Mr. Nadeau stated they utilized the GIS mapping
521 provided by the Town and the Commission was not listed as an abutter. Chair Lee stated the Fire
522 Department is concerned if there will be fire department access to the solar array. Mr. Hussey
523 stated there would be a driveway to the field. Further details of the setup and shut-off procedures
524 were explained. It was noted the system would be inspected two to three times per year. The
525 entire array would be installed at the same time with a total construction period of about 8
526 months.
527

528 The Board reviewed the abutter list and maps and it was confirmed the Conservation
529 Commission is a legal abutter. Mr. Rich questioned if they could hear the case without proper
530 notification. Mr. LaRochelle stated the Commission was aware of the application because a letter
531 was received in regard to it. It was clarified the Commission was not notified but the owners of
532 the property were and the owners should have notified the Commission because the Commission

533 is not the owner of the property but only has an easement.

534

535 Mr. Nadeau explained the installation process, noting the steel posts are drilled into the ground.
536 The typical guarantee for solar panels is 25 years but they will last longer, upwards of 50 years.
537 The array will cover about 23 acres of the lot. The site has been cleared and after the work is
538 complete, areas will be reseeded as needed. Mr. Nadeau stated the panels are designed to collect
539 the sun glare and not reflect it. He also explained the decommissioning process and plan; he
540 noted a bond will be required to cover disposal costs. There was discussion about the emergency
541 disconnects and protocols for fires or problems. Mr. Nadeau stated they would meet with the Fire
542 Department to review protocols. It was noted Planning Board approval will also be required for
543 this project. Mr. Nadeau stated a larger project, 3 megawatts, was approved prior to 2018 but the
544 original contractor did not follow through with the project.

545

546 Chair Lee opened the hearing to input from the public.

547

548 Martin Carlson, abutter, asked what has changed with the plans any why the project is before the
549 Board again. It was noted the approved plans had expired; the main change to the plans involved
550 the size of the array. Mr. Carlson stated he would like to see caution signs around the perimeter.

551

552 Mr. Hussey stated the land is very rocky and he believes it is the best use for the land.

553

554 Chair Lee closed the public hearing.

555

556 The Board worked through the Special Exception worksheet.

557

558 ***Discussion – Case #Z23-27***

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

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

563 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the land is very
564 rocky and is an appropriate location for the use. The Board agreed.

565 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be
566 reduced due to incompatible land uses. He stated no factual evidence was submitted to indicate
567 values would be diminished. He stated per the presentation, the solar panels will be barely visible
568 from the road or surrounding properties. The Board agreed.

569 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact. No
570 letters or communications in opposition were received. The Board agreed.

571 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
572 including the location and design of accessways and off-street parking. He stated there would be
573 an access road for the fire department. The Board agreed.

574 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the
575 proper operation of the proposed use or structure. He stated the applicant's agents have indicated

576 adequate and appropriate precautions will be followed to ensure proper operation of the proposed
577 use. The Board agreed.

578 Mr. Morgan stated there is adequate area for safe and sanitary sewage disposal and water supply.
579 He stated there will be no water or sewage systems installed. The Board agreed.

580 Mr. LaRochelle stated the proposed use or structure is consistent with the spirit of this ordinance
581 and the intent of the Master Plan. The Board agreed.

582 **MOTION: To approve the request for a Special Exception for Case #Z23-27. Motion by**
583 **Mr. Morgan. Second by Mr. LaRochelle. Motion passed 4-0-0.**
584

| | | |
|--|--|--|
| Case #Z23-28 TF Moran, Inc., Agent for Don Sorrentino, Applicant and SEH Investments, LLC, Owners | Map 4 Lot 13 Frank C Gilman Highway | Special Exception Rural (RU) Zone |
|--|--|--|

585 A **Special Exception** is requested from **Article 500, Section 520.A.B. and C.** to permit three (3)
586 5-Unit Townhomes on oversized lots and one (1) Residential Lot reserved for Single Family Use
587

588 *Continued to December 7, 2023, per request received via email.*
589

590 **OTHER BUSINESS**

- 591 1. Previous Business:
592 2. New Business: Discuss new application that was submitted for a New Alternate Zoning
593 Board member.
594

595 **APPROVAL OF MINUTES**

596 Meeting of September 7, 2023- No edits were made. **MOTION: To approve as presented.**
597 **Motion by Mr. Rich. Second by Mr. LaRochelle. Motion passed 4-0-0.**
598

599 **Correspondence:** None.
600

601 **ADJOURN**

602 **MOTION: To adjourn the meeting. Motion by Mr. Rich. Second by Mr. LaRochelle.**
603 **Motion passed 4-0-0.**
604

605 The meeting was adjourned at 8:56 PM.
606

607 Respectfully Submitted,

608 *Jennifer Riel*

609 Jennifer Riel, Recording Secretary