

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING MEETING  
Thursday, November 7, 2025, at 6:00 PM  
Alton Town Hall**

**MEMBERS PRESENT**

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

**OTHERS PRESENT**

Norma Ditri, Code Enforcement Officer  
Christopher Drescher Esq., Representative for Applicant  
Chris ???  
Dan Hebert  
Ryan Heath, Town Administrator  
Reuben Wentworth  
Kenneth Kinney  
Andrea Murray  
Julie Cleary  
Gary Boisvert, Esq., Representative for Applicant  
Rick Lundy  
John Dodge  
Lisa Nicaastro  
John Goodrich  
Stephen Nix  
Jacquelin Dodge  
Marc Deroy  
David & Marilyn Slade  
Catherine Gould  
Sherri Johnson  
Christian Johnson  
Jason ???

**CALL TO ORDER**

Chair Rich called the meeting to order at 6:00 PM.

**INTRODUCTION OF BOARD MEMBERS**

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

47 **APPOINTMENT OF ALTERNATES**

48 No alternates present.

49

50 **STATEMENT OF THE APPEAL PROCESS**

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

60

61 **APPROVAL OF AGENDA**

62 Ms. Ditri stated there is a letter under Correspondence that was not on the original agenda.

63

64 Ms. Ditri stated it is regarding a previous case. Chair Rich states Map 35 Lot 34, 178 Eastside  
65 Drive. Ms. Ditri confirms. Chair Rich asks for approval of the agenda.

66

67 **MOTION: To approve the agenda as written for November 6. Mr. LaRochelle makes**  
68 **motion. Motion passed unanimously.**

69

70 **1. ADMINISTRATIVE APPEAL**

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

74

75 Chair Rich closed the hearing to the public.

76

77 Mr. Morgan states there are two issues that the Board needs to take a vote on. He states first,  
78 what is the meaning of final approval, under that ordinance section. That ordinance section  
79 corresponds with RSA 67433. He states that he doesn't believe there's a matter of discrepancy in  
80 the law. He thinks interpretation hinges both on the RSA and the ordinance in determining what  
81 constitutes final approval. He states, the second issue they need to address is whether the  
82 Applicant exercised the rights that they acquired by getting a Special Exception. He states those  
83 two issues should be addressed separately.

84

85 Mr. Lee asks Mr. Morgan for clarification on final approval, whether it is by the ZBA.

86

87 Mr. Morgan states the issue is whether it's the final approval given by the ZBA at their hearing or  
88 whether it's the final approval given by the court system after their decisions repeals up to the

89 Supreme Court level in this case. He suggests that they start with final approval and see what the  
90 Board thinks is final approval, whether it is the ZBA final approval or is it appeal from the  
91 Supreme Court.

92

93 Mr. LaRochelle states his interpretation and when a decision is made it would be the Zoning  
94 Board of Appeals. He states that Superior or Supreme Court decisions are a higher standard. He  
95 states in this particular case, the final decision would be court system and not the ZBA in his  
96 opinion.

97

98 Mr. Lee states he understands what Mr. LaRochelle said and he disagrees with it. He feels final  
99 approval starts and ends with Zoning Board. He perceives final approval to be through ZBA.

100

101 Mr. Morgan agrees with Mr. Lee. He states 67433 doesn't seem to refer to court appeals. He  
102 states when a court issues an appeal it doesn't call it an approval. He states the approval has  
103 already happened at the Zoning Board level. He states when the Zoning Board issues its  
104 approval there is an option of an extension. He states an Applicant could come for an extension  
105 for any number of reasons but He thinks that is the final opinion and the two years begins to run  
106 at that point.

107

108 Mr. Mankus agrees with Mr. Morgan and Mr. Lee for the reasons just explained.

109

110 Chair Rich agrees with Mr. Lee, Mr. Morgan and Mr. Mankus that the final approval for  
111 purposes of RSA 647334.6 in Section 520E of the Zoning Ordinance is final approval. He states  
112 that based on the common language and the common sense of what those RSA's and the Section  
113 has said he agrees with what Mr. Morgan says. He states if there had been any concern on the  
114 part of the then Applicant with regard to needing more time, they had time to go back to the  
115 Zoning Board and get an extension and that was not done. He asks for a motion.

116

117 **MOTION: Final approval under Zoning Ordinance means the Final Approval issued by**  
118 **the Zoning Board. Motion by Mr. Morgan. Chair Rich seconds the Motion. Chair Rich**  
119 **states four in favor and one opposed. Mr. LaRochelle was the opposing.**

120

121 Mr. Morgan states his understanding of the facts of this case are that the Applicant began  
122 operating something analogous to a Contractor's Yard prior to request for the Special Exception.  
123 He states that was not something the Board objected to. He states that they have continued in  
124 that vain. He states that one of the requirements for exercising the rights that you gain from  
125 Special Exception is that you go for Site Plan Approval within a two-year window. He states that  
126 that didn't happen in this case. He would argue that they haven't exercised the rights under the  
127 Special Exception and therefore it has lapsed.

128

129 Mr. Lee concurs with that and states that looking back through the notes and going over the case,  
130 he specifically remembers that the application had stated that they felt they were exercising their  
131 rights because they were continuing it. He states nothing gets exercised until they get Planning  
132 Board approval. He feels there was certainly time for extension. He doesn't feel that they  
133 exercised accordingly. Mr. Mankus agrees with Mr. Morgan's statement.

134

Chair Rich asks if Mr. LaRochelle would like to comment. Mr. LaRochelle declines. He agrees with Mr. Morgan and Mr. Lee that it wasn't exercised within the two-year final approval. He asks for a motion.

**MOTION: Motions that the Applicant did not exercise the rights under Special Exception within a timely period. Motion by Mr. Morgan. Seconded by Mr. Lee. Unanimous.**

**MOTION: To grant the appeal in Case #Z25-32 as an appeal from Section 520E of the ordinance. Motion by Mr. Morgan. Seconded by Mr. Lee. Unanimous.**

1. NEW APPLICATIONS

Case #Z25-37 Christopher Drescher Esq., Agent for Robert Flannery & Alton Pittsburg, LLC., Applicant and Owner	Map 31 Lot 35 208 Main Street	Administrative Appeal Residential Commercial Zone (RC)
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**An Administrative Appeal** is requested in reference to a Cease and Desist from Code Official issued on September 4<sup>th</sup> 2025

Mr. Drescher states they've been doing drainage work and some landscaping. He wrote to the Town after receiving the Cease and Desist. He stated in the letter if they needed some special permitting for this to let him know and they would comply. He states he is there to address the Cease and Desist. He states, however, the Cease and Desist discusses pickup trucks. He confirms that there are four pickup trucks and one that is a daily driver. All of which are being parked on the property overnight. He states that is the only reason for this appeal, due to the pickup trucks.

Mr. Drescher states they were told to get a sign permit. He states that when they showed up to do that, the Code Official said they were not going to act on it at least while this matter is being addressed. He informs the Board that the State came by, and the State has no issue. He adds that Mr. Flannery could not be present for the meeting. Mr. Flannery had a family vacation.

Mr. LaRochelle asks if the piping and the stone shown in the pictures from the 27<sup>th</sup> were all for the work being done in the yard. Mr. Drescher confirms.

Mr. LaRochelle asks if the materials are still present or if they haven't started that project yet. He invites Dan Hebert to come up to the front to be heard on the mic.

Mr. Hebert states the piping is for a decorative retaining wall going across the embankment and across the back to incorporate drainage run off. He explains that the Board is aware of how much water run-off comes from the hill on all of the lots. He states he has fixed a couple of the retaining walls in the neighborhood so far. He states that Ken Kinney is in the audience (landowner from 192 Main St). He states he fixed Mr. Kinney's retaining wall when he did his septic system. He states he fixed a problem at 196 Main St and now there's a problem at 208. He states the work he is doing on the property in question is going to solve that. He states that all the pipe is going into the wall and then the slope will be landscaped. He states that the rocks came off the slope at 196 (Main St). He states he's just storing it there until it can get hauled to

177 Bob Flannery's house in the next two weeks. He states once the rocks are removed then they will  
178 start the retaining wall and be done approximately by Christmas.

179

180 Mr. Drescher inquires of Mr. Hebert whether all of that is related to the work that is being done  
181 on the site. Mr. Hebert confirms.

182

183 Mr. LaRochelle asks if any of the equipment, the loader or anything else will be removed once  
184 the work is done.

185

186 Mr. Hebert states that all the equipment will be removed as soon as the job is done.

187

188 Mr. LaRochelle inquires about where the drainage is being directed to.

189

190 Mr. Hebert states they have a drainage swale in front of the property and a catch basin. He also  
191 states that the water puddles on the sidewalk.

192

193 Mr. LaRochelle inquires if anything is going out onto the road.

194

195 Mr. Hebert states next year they would like to repave it.

196

197 Mr. Drescher states the last point he wants to make, and he defers to his pleadings, if pickup  
198 trucks fall under the Contractors Yard definition, then they would have to be equipment. Mr.  
199 Drescher states it is unclear. He states that the Code Official cited in their report that he received  
200 that morning some dictionary definitions of equipment and one mentions vehicles. He  
201 apologizes, stating he read those and thought to himself that the definition is overly broad. He  
202 states that if he were to accept this as a definition of equipment with respect to a Contractors  
203 Yard everybody with a pickup truck has a Contractor's Yard. He explains that that is the reason  
204 he is present at this meeting, that very narrow issue brought before the Board during this  
205 meeting.

206

207 Mr. Morgan inquires when the work will be finished.

208

209 Mr. Hebert responds that all the work should be done before Christmas.

210

211 Mr. Morgan inquires what equipment will remain on the site after that?

212

213 Mr. Hebert states that no equipment will remain on site

214

215 Mr. Drescher also states that no equipment will remain. He clarifies that they are there at the  
216 meeting to find out whether the pickup trucks can remain.

217

218 Mr. Morgan states that to clarify what the parties are suggesting is that after Christmas there will  
219 be four pickup trucks and nothing else.

220

221 Mr. Hebert and Mr. Drescher confirm.

222

223 Chair Rich asks if Ms. Ditri has anything to say.

224

225 Ms. Ditri states that as of today, equipment and piles of material, a dump truck, a pickup truck  
226 and another pickup truck were on site. She states the bottom picture is from September after the  
227 Special Exception was denied and after the Cease and Desist was issued. She states that  
228 materials, equipment, and dump trucks were onsite. She states that the top picture is what the site  
229 was like before Mr. Hebert moved in. She states there has been no approval, no communication,  
230 nothing from the landowner or the tenant to the Town about what they should or should not be  
231 doing. She states the party moved in and put a Contractor's Yard there and it has been there for  
232 two years. She states that now they are claiming the two years they have been there is all  
233 approved and that they are not doing anything wrong. She states she does not understand why  
234 they need to park all of the equipment and materials at 208 Main St when they are saying they  
235 are working at 196 Main St and there is no equipment over there. She reads the letter from Mr.  
236 Drescher: "Once everything is completed the area will be restored to compliance." This letter is  
237 dated September 10<sup>th</sup>. She states on September 15<sup>th</sup> the landowner told DOT that the work was  
238 completed in the Right of Way and that they will still be doing an after the fact permit for the  
239 work in the Right of Way. She states that the landowner told the DOT that the work that they are  
240 talking about this evening was completed on September 15<sup>th</sup>.

241

242 Mr. Drescher states that the work that was completed for DOT was specific to what was in the  
243 Right of Way because that was all the State cared about. He continues that all the equipment that  
244 is onsite as of today is relative to the ongoing work. He states that when he talked about having  
245 the area restored to compliance, one of the parts of the agreement is that they are supposed to  
246 make clear the boundary between these two lots and make sure they leave a 10 ft buffer for the  
247 side set back. He states this is what he was referring to. He states that when the work is done  
248 that will be restored. He states respectfully he has reached out. He claims that he has left  
249 question marks at the end of sentences that he has sent to the Town and did not receive a  
250 response. He claims when he sent correspondence he asked if they needed to do something or get  
251 more permitting to please advise but did not receive a response.

252

253 Chair Rich asks if Chris has emails or texts to show evidence of this.

254

255 Mr. Drescher states he has one and shares with Chair Rich. He explains that it was a direct  
256 request for advice on what to do next. He explains that he sent that on September 10<sup>th</sup> and never  
257 received a response. He states that when he reaches out to Attorney Whitley, he usually receives  
258 a response.

259

260 Ms. Ditri states there is still no agreement, nothing in writing that was ever agreed on.

261

262 Mr. Mankus states that this has been going on for a while. He states he sees in the bottom picture  
263 that there are two dump trucks that must be there for long term because they have sunshades in  
264 the window that would not be there if it was only to work on the project. He states that they can  
265 process a site in much less time than two years. He states that even if they began today that it  
266 would be done by December. He states that to be a good neighbor it would be in his interest to be  
267 friendlier to his abutters. He states that there have been a few meetings where a lot of abutters  
268 were against doing this and the Board is trying to come to a resolution. He states it is his opinion

269 that things are taking too long.

270

271 Mr. Drescher states that Mr. Hebert is busy doing septic systems during warmer months.

272

273 Mr. Mankus stated that he is the landowner, referring to Mr. Hebert. Mr. Drescher clarifies that

274 Mr. Hebert is the business owner.

275

276 Mr. Drescher states the landowner (Mr. Flannery) is not here tonight. He states he is representing

277 the landowner (Mr. Flannery), not the business owner (Mr. Hebert). The business owner is there

278 to answer any question he can. He states the project has been taking a long time. He explains

279 there is probably a technical reason for that.

280

281 Chair Rich inquires when Mr. Drescher and Mr. Hebert think the job will be done.

282

283 Mr. Drescher and Mr. Hebert respond the work should be done by Christmas or the middle of

284 December.

285

286 Mr. LaRochelle inquires of Ms. Ditri if she remembers the correspondence with Attorney

287 Drescher.

288

289 Ms. Ditri responds (Mic not working – some response may have been missed). She states the

290 Board is deciding on an Appeal of an Administrative Decision where she has determined that

291 there is in fact a Contractor's Yard at 208 Main St and has been for two years. The Board has to

292 decide if her interpretation of Zoning Ordinance is correct or not. She states, that is all they have

293 to do. She states that if she is wrong (mic not working – some response may have been missed).

294

295 Mr. Lee states they denied the Special Exception in this matter. He states there was a Cease and

296 Desist at that point which was negated after they denied the Special Exception. He asks Mr.

297 Drescher if the work trucks, the trailer, and the backhoe are all for landscaping purposes.

298

299 Mr. Drescher replies that they are transient.

300

301 Mr. Lee states there must be finality to this situation either way. He states the conditions for the

302 appeal have to be made and exact dates as to when this will be completed. He states that once

303 that is done, everything thereafter moves off of that date. He states the property looks much

304 better than it had in the past. He states that there were a lot of questions on issues in the past and

305 it was clear cut. The Special Exception was denied.

306

307 Mr. LaRochelle requests to elaborate on Mr. Lee's point. He states that if for example the

308 December 20<sup>th</sup> was chosen as a date, and they decided to get the drainage done, the retaining

309 wall built, the equipment off of the property and they understand that the Special Exception for a

310 Contractor Yard was denied, but that until the work is done you will have a few vehicles there

311 because you're using the building as an office, you understand that.

312

313 Mr. Drescher confirms.

314

315 Mr. LaRochelle inquires if that is what their intent was.

316

317 Mr. Drescher confirms.

318

319 Mr. LaRochelle states the whole reason for putting a Cease and Desist on it because it looked  
320 like you were bringing in equipment, material, stockpiling it. He states he can understand that.  
321 He states the yard looks good. He states that the work needs to end and be cleaned up and be  
322 seen as not a Contractor Yard.

323

324 Mr. Drescher states he likes the idea of a date. He states that if they need to get any kind of  
325 Special Permission to do the landscaping, he is fine with it. He inquires of Mr. Hebert if  
326 December 20<sup>th</sup> works.

327

328 Mr. Hebert confirms.

329

330 Mr. Drescher states you can hold him to that, after December 20<sup>th</sup> there will be nothing but  
331 pickup trucks and an office.

332

333 Mr. Mankus inquires whether two weeks would be doable.

334

335 Mr. Hebert states he cannot do it in two weeks because he has too much work.

336

337 Mr. Mankus states they have ignored the Cease and Desist order multiple times. He states in two  
338 weeks the work should be able to be completed.

339

340 Mr. Drescher states they appealed it. He states they appealed the interpretation of the Cease and  
341 Desist and states that it is the reason for their presence at the hearing.

342

343 Chair Rich asks Ms. Ditri if she wants to speak.

344

345 Ms. Ditri states there is an Appeal that needs to be decided. She states they are not there to  
346 negotiate a deal. She states that they are there to decide on the Appeal of an Administrative  
347 Decision.

348

349 Mr. LaRochelle asks Chairman Rich to allow the Administrator to speak.

350

351 Chair. Rich invites the Administrator to speak.

352

353 Ryan Heath – Administrator introduces himself and explains that the communication Attorney  
354 Drescher is referring to was with Mr. Heath's office and not with Ms. Ditri's office. He states that  
355 his conversation through Steven Whitley of Town Counsel what was being negotiated in a  
356 compromise was being done through Mr. Heath's office because he had the institutional  
357 knowledge of this property, referring to his 25 yrs of service in Alton, understanding the property  
358 and what it has been used for in the past. He states that no agreement was made nor signed. He  
359 explains that what was relayed from the property owner through Counsel was that they would  
360 have everything removed by August 1<sup>st</sup> and that didn't happen. He states that there was no



communication regarding landscaping work or any other work that was passed down to other properties. He states that when they started this conversation after the Special Exception was denied through Town Counsel, the concern was that parking lot had been enlarged beyond the boundary line up onto the septic system, almost to the vent pipe next door. He states that he understands the property owner owns both properties. He states he can give permission to whomever he wants to go back and forth. He explains that the issue is the parking lot has been extended without any kind of Site Plan or any information. He explains that when they failed to come to an agreement the boundary lines were not reestablished. He states that DOT has unequivocally stated there is no commercial driveway permit. He states the only driveway cut that is there is for the residential multifamily unit. He explains when he got back to the institutional knowledge of that property, most people in town know that it was used at one point as a grain store to support the hardware store. He explains there was parking directly across the street. He explains that most recently it was Mahoney's Plumbing that used it as an office. He states that it was telling to see what the property looked like in September 2023. He states that it was a building with a single drive that was connected to the original multifamily turnout. He states that he believes the changes to the site to accommodate the business go against what Zoning regulations have in definition of what criteria the Board has under Section 444 Special Exceptions, in addition to the regular criteria, the Zoning Ordinance outlines other considerations. He states one is off street parking and the other is structure setbacks within a residential commercial zone – Contractor Yard, the additional considerations are size, location, type of materials and stockpiles and other outdoor storage. He adds there were also shipping containers onsite. He states that number two specifically states type and size and number of vehicles entering and exiting the site. He explains pickup trucks add to the trip count for a driveway cut that does not exist. He explains that screening of outdoor storage areas and parking areas from adjacent properties and public streets, dust and erosion control are all part of what everybody else needs to prove or display to the Board when considering this type of Contractor's Yard. He explains that none of this has been considered or brought to the Board. He explains it may have gotten there except when the Special Exception was withdrawn. He explains the issue now in trying to work with the property owner is trying to establish that the Town is not going to dispute if you want to use it as a business office. He explains that is all it big enough for in the original parking lot. He explains that to take it upon themselves to expand that parking lot, the pictures show the entire parking area that is crushed stone all the way to the septic zone is all new. He explains that has happened within the last year since this has been before the Board for consideration. He states concern since they set their own date and did not comply with it (August 1<sup>st</sup>), the agreement was not signed, and that is when the Code Enforcement office issued the Cease and Desist letter. He states there was plenty of communication. He states that is why he thought it was important for him to be present for the meeting. He states in the pleadings and what was talked about, some of the dialogue was through Mr. Heath's office via Town Counsel.

Mr. Drescher replies that the border that needs to be reestablished. That's where the work is going on and he has every intention of restoring it.

Chair. Rich asks if there are any questions for the Administrator.

Mr. Morgan asks if the hearing will be opened to public input.

407 Mr. Mankus asks if he can ask one more question.

408

409 Chair Rich confirms.

410

411 Mr. Mankus inquires if the Cease and Desist order is trying to be renegotiated.

412

413 Mr. Drescher states that his argument is that what is happening is not a Contractor's Yard, it is  
414 just landscaping. He states that when it is over, the materials will be gone. He states it is a  
415 coincidence, timing. He states that if they need to acquire Special Permission to do landscaping,  
416 they will do it. His understanding was that they do not need any.

417

418 Chair Rich inquires how long landscaping has been going on.

419

420 Mr. Drescher states it has been taking a while.

421

422 Chair Rich states the property is not big.

423

424 Mr. Drescher states he's been working on it between jobs with his septic business.

425

426 Chair Rich states it needs to get done.

427

428 Mr. Mankus states that it is purposeful.

429

430 Mr. Drescher denies.

431

432 Mr. Mankus states the party is not being a good neighbor.

433

434 Mr. Drescher offers no comment.

435

436 Chair Rich inquires about why the agreement was never signed.

437

438 Mr. Drescher states it fell by the wayside.

439

440 Chair Rich asks if there was any reason that wasn't done.

441

442 Mr. Drescher states it wthingsg on the emails August 1<sup>st</sup>. He states the party got most of the  
443 things off the site August 1<sup>st</sup>. He states the things that remained afterward are the reason for this  
444 meeting, which is the landscaping materials.

445

446 Mr. LaRoche inquires of Mr. Heath if there's ongoing issues with the state driveway permit.

447

448 Mr. Heath responds that there is not one.

449

450 Mr. LaRoche inquires; there is no driveway?

451

452 Mr. Drescher states there is no driveway permit but they have no problem either with the office.

453

454 Mr. Heath responds; there is no application.

455

456 Mr. LaRochelle inquires if that is known as a fact, by the State that there is no issue with the  
457 State with their driveway.

458

459 Mr. Heath responds; the State has gone on record saying that there is no commercial access  
460 whatsoever at that property.

461

462 Mr. LaRochelle understands.

463

464 Mr. Heath states that when he got involved and an agreement was discussed that it showed good  
465 faith that the Town would not dispute that there was previous use of that property that the Town  
466 did not challenge. He states that, for the record, that property has never had commercial use or  
467 Site Plan other than the institutional knowledge of his knowing what has and has not been there.  
468 He states the Town was not going to take issue with the property owner operating a business out  
469 of there where there had previously been a plumbing business there that the Town did not take  
470 issue with 10-15 years ago. He states that is where they tried to compromise. He states that the  
471 parking lot has been expanded and now there is concern about the trucks, some of which have  
472 dump bodies on them. He states that regardless of whether they meet commercial thresholds or  
473 not once they are hauling material for hire, they are commercial. He states that the trucks that are  
474 lettered, many have fuel cells to fuel his equipment. He states that some of surface bodies on the  
475 back to maintain equipment which goes directly to the Zoning Board's definitions.

476

477 Mr. Mankus states those are ton and a half trucks, not pickup trucks.

478

479 Mr. Drescher states the ones he is talking about are pickup trucks.

480

481 Mr. Mankus responds that the ones in the photo are not pickup trucks.

482

483 Mr. Heath states that through Town Counsel what the Town's position was when this went back  
484 and forth was that – and discussions with Ms. Ditri was that they were not going to challenge the  
485 office use with the existing drive to the door. He states this did not include the fifteen parking  
486 spaces that were leveled off in the photos, which was undisturbed hillside leading down slope  
487 that's been cut out. He continues that if that is their intention to use it that way that it does meet  
488 the definition of a Contractor's Yard and as such should have the Special Exception and then a  
489 Site Plan approved.

490

491 Mr. Lee states frustration that the Board is still working through this. He continues that they  
492 have other business to attend to. He agrees that it is common knowledge that it was previously  
493 used as a commercial business, which had one van maybe two. It was an office. He reiterates  
494 frustration with the ongoing back and forth over the issues regarding this matter. He states that he  
495 is aware Mr. Heath negotiates and manages many issues that come up in the Town of Alton. He  
496 inquires what Mr. Heath's opinion is on this going forward. He inquires if there is any middle  
497 ground where the parties can meet. He states this is his reason for suggesting a date to get this  
498 completed. He states he knows the Applicant had a self-imposed date. He states he is aware they

499 did not meet that date. He states he is aware of the business being extremely busy. He states you  
500 can go anywhere in town and see septic being put in. Mr. Lee understands. Addressing Chair  
501 Rich's point and Mr. Mankus this is a matter of landscaping. Mr. Lee urges that especially  
502 considering all that has happened to make it a priority because people are watching and wanting  
503 to make sure things are up to code. Acknowledging Mr. Mankus's point about being a good  
504 neighbor, their reputation as a business in town, it looks good on the business to take care of  
505 business. Mr. Lee states that the lack of communication is like a slap in the face. He  
506 acknowledges that Mr. Drescher stated twice that he has been trying to work with the Town. He  
507 acknowledges Mr. Drescher's frustration.

508  
509 Chair Rich asks if he can interrupt. He states that this is an Administrative Appeal on the Cease  
510 and Desist.

511  
512 Mr. LaRochelle agrees and states that that is what he wants to elaborate on.

513  
514 Chair Rich inquires whether the Board is going to grant an Appeal for the Cease and Desist or  
515 are they going to deny it. He states that is what their role is in this meeting.

516  
517 Mr. LaRochelle agrees. He inquires, if the Cease and Desist takes precedence does that mean at  
518 that point the party stops – Cease and Desist all activity on the property, including and not  
519 limited to the work that they have been doing on the property? Would they be allowed to finish  
520 the drainage, put everything back to the way it was?

521  
522 Chair Rich asks for clarification. He asks the Cease and Desist is for what reason.

523  
524 Ms. Ditri states there is a Contractor's Yard at 208 Main Street. She mentions the business  
525 Donald Hebet Septic & Site LLC is addressed at 121 Main St.

526  
527 Mr. LaRochelle agrees.

528  
529 Ms. Ditri continues that notices of violation were given in 2023 due to the business being at that  
530 location which it wasn't supposed to be. She states they moved the location to 208 Main St. She  
531 explains the business address is still 121 Main St. She states she does not understand why they  
532 have a business address at one address and functioning in another. She states that it is clear in the  
533 three pictures the building was used for an office and that can still be the case. She continues  
534 that from 2024 until present the site work has already been done. She states the area has been  
535 cleared, a parking area has been made and they are operating a Contractor's Yard. She states  
536 they have material and heavy equipment and storage that is onsite which meets the definition of a  
537 Contractor's Yard that is there without Special Exception or a Site Plan. She states that it is clear  
538 to her. She continues that the same equipment was there in 2024 as there is today. She states  
539 whatever has been called landscaping looks the same as it has in the past year to her.

540  
541 Mr. Heath states he wanted to clarify a point about the work. He states it sounded like the way it  
542 was represented most of the work is being done on the neighboring property, not on 208 (Main  
543 St). He states, the concern is the material storage and the expansion of 208 (Main St) would  
544 make sense given the size of the property next door wouldn't the material storage be more

545 appropriate on the site that they are working on? He adds, the materials are two truckloads of  
546 stone. He continues that when he had originally communicated with them there was no talk of  
547 landscaping during that conversation. He states the stone was put in to put in the parking area.

548

549 Mr. LaRochelle agrees.

550

551 Mr. Heath continues, that is why he was told the stone was originally there. He states there is  
552 more stone there in the same spot, dumped there. He asks for clarification on the landscaping is  
553 going on. He asks if it is on the neighboring property, not 208?

554

555 Mr. Drescher states he is not sure, and asks Mr. Hebert if that is going on on the neighboring  
556 property or on 208, the landscaping?

557

558 Mr. Hebert – (Off mic in public seating) we shaped 196 to cut the hill back (Inaudible) for 196.

559 Mr. Drescher inquires, which property 196?

560

561 Mr. Hebert (Off mic in public seating -Inaudible) that's done.

562

563 Chair Rich inquires if Mr. Mankus has any questions.

564

565 Mr. Mankus has no questions.

566

567 Ms. Ditri states she has additional comments. She states in one day in the Town of Alton there  
568 were 7-8 pieces of equipment all over other people's properties. She inquires where the  
569 equipment will go. She states that the company name that is on all of the trucks that are all over  
570 town have to go somewhere. She inquires if this is a Contractor's Yard because there's a couple  
571 of pickup trucks there, where is all of the other equipment going to go when they're not using it?  
572 Are they going to park all of that at 208 Main St?

573

574 Mr. Drescher states the party (Dan Hebert) has an offsite location. He states he does not know  
575 much about it because he does not represent Mr. Hebert, he represents the landowner. (Mr.  
576 Flannery). He states that after August 1<sup>st</sup> the bulk of equipment was taken off site, so it is stored  
577 somewhere else.

578

579 Ms. Ditri inquires where that is. Is it 121 Main St?

580

581 Mr. Drescher states he does not know, because he does not represent him. It is not 208.

582

583 Mr. Mankus states if that is the case, why can't this equipment be moved to the site if he cannot  
584 get to the work anyway. He states he can bring it back when he is working on it. He states if he  
585 does not have time to do the landscaping, move the equipment to the other site and get it off the  
586 property.

587

588 Mr. Drescher inquires of Mr. Hebert if that is possible.

589

590 (Mr. Hebert responds from the public seating area but is inaudible.)

591

592 Mr. Hebert continues.

593

594 Mr. Drescher states that the question is wherever you're storing the equipment – He states that the  
595 direct question is, can Mr. Hebert move the equipment to the other site while it's not being used.  
596 Or does it have to stay on site?

597

598 Mr. Hebert responds but is in public seating and is inaudible.

599

600 Mr. LaRochelle states that when a person is speaking on the record, they need to come to the mic  
601 to be heard.

602

603 Mr. Drescher states that it is just easier because he does a little at a time so it's easier to have it  
604 onsite. Mr. Drescher states that it will be moved to where he keeps it.

605

606 Chair Rich inquires if the Board has any more questions. Board denies.

607

608 The matter is opened for public input.

609

610 Chair Rich asks for any in favor of this appeal and invites them to speak.

611

612 Mr. Reuben Wentworth states that he would like to start. He states he is the owner of Alton  
613 Home and Lumber Center, direct abutter to the property in question. He states for the last two  
614 years he has watched it. He states that first, his hope is that if he takes an Alton Home and  
615 Lumber Center truck home and park at home five nights a week he is not considered a  
616 Contractor Yard. He continues if he brings the hay truck home with summer hay runs and brings  
617 it home, he hopes he will not get in trouble for bringing a hay truck home. He states this property  
618 has gotten hostile from the Town's point of view and possibly the other point of view. He feels he  
619 is caught in the middle. He states he brought it to the Selectman's attention twice. He states  
620 pictures were taken from his property today. He states he has asked to stay out of this situation.  
621 He states that his request has not been honored. He refutes Mr. Heath's comments. He states that  
622 Weatherbee's who formerly owned the property years ago built that garage for an appliance retail  
623 store. He states the property was sold to a family and that family subsequently got divorced. He  
624 continues that the Shield's took it over and made apartments. He states he ended up renting the  
625 garage across the street for the grain store. He explains he was running a loader back and forth.  
626 He states none of the neighbors had any concerns. He states he kept the snowbanks clear. He  
627 states the question of the parking area he believes was an access point to get the two properties  
628 together and get the septic system done because that was the easiest way. He acknowledges it has  
629 taken a while. He states his neighbors up the street used to look in his windows to see headlights  
630 coming because they could not see around the trees. He says they do not have any trees anymore.  
631 He states there are two other Contractor's Yards on Main St that the Town has not done a thing  
632 about. He states he has brought it to the Town's attention three times. He states there is a  
633 laundromat that has turned into a big Contractor Yard down bottom. He states it was never a  
634 Contractor Yard; it was a laundromat. He states the laundromat has been closed 15-20 years. He  
635 states the Town is only going after a few, which bothers him as a lifelong Alton resident. He  
636 states he has lived in Alton for 64 years. He states that this is the worst he has seen in the last two

637 years because of Contractor Yards. He feels that this is all a simple process as to determining  
638 Contractor Yards. He states that people interpret the Board's definition differently and that is why  
639 people come here with Appeals and Cease and Desist. He states the property is maintained better  
640 and the slopes are better. He states that the State of New Hampshire came. He stated that the  
641 telephone pole is set just outside the Right of Way. He states that Mr. Flannery and Mr. Hebert  
642 were working within three feet of the Right of Way which is the edge of the sidewalk. He states  
643 that in his store one of the biggest things is the communication with the Town's Building  
644 Department. He states that people come in, a lot of contractors say, "How do we get in touch?"  
645 He gives Nick Buonopane's number out and says, "Call the Selectman." He states he does not  
646 want to have anything to do with it.

647  
648 Chair Rich asks if anyone else is in favor.

649  
650 Ken Kinney states he owns 192 Main St. He states he takes offense to the comment about Mr.  
651 Hebert not being a good neighbor or neighborly. He states he's a very good neighbor. He states  
652 that Mr. Hebert did his septic and cleared up a lot of the front yard. He states his house was  
653 abandoned for 20+ years. He states Mr. Hebert was key to getting his yard straightened out,  
654 getting up-to-date date septic in there, getting control of the flow of the hill, helping with the ice  
655 in the road in the winter on the curve. He states the line of sight is so much better. He states they  
656 always used to inch out of their driveway, just to see around the corner. He states Bob Flannery's  
657 place, the hill coming down, he had a massive oak tree that was obstructing sight. He states Mr.  
658 Hebert removed it. He states he never hears any noise from all of his (Mr. Hebert's) trucks. He  
659 states he hears more trucks taking off from everywhere else, rather than Mr. Hebert's equipment.  
660 He states that there are no leaks in Mr. Hebert's equipment. He states that Mr. Hebert leases a lot  
661 of his equipment. He states that is why they are always on the jobs working. He states he  
662 believes Mr. Hebert has done a great job all on Main St. He states Mr. Hebert a big utility to this  
663 town. He states that there are a lot of old septs and dry wells in town and they are clearly not  
664 getting addressed quickly enough around the lake. He feels Mr. Hebert is a big asset to the town.  
665 He states that when it comes to beautifying Main St, he cannot think of anyone who has done  
666 more in town to make Main St look better than him. He states that along the Bay you see Mr.  
667 Hebert's signs all over the place because he works 6-7 days a week. He states that it was always  
668 a business next door. He states that it was a plumbing business when he moved in. He states that  
669 He has known all of the businesses that have been there over the years. He states he does not see  
670 why it's unreasonable to have his business there. He admits there are a few pieces of equipment,  
671 because it's a different type of business. But it is still a business, still an office. He does not see  
672 any reason not to let Mr. Hebert be there. He states he has had more problems with the elderly  
673 community behind his house dumping brush down the hill than anything to do with Mr. Hebert's  
674 business. He states that his issue with the elderly community still has not been resolved. He  
675 states that it is supposed to be a nice 18-unit elderly community that does not bother anybody,  
676 but their landscapers dump 4 or 5 dump trucks down on my property. He states that nothing has  
677 been done about it. He states that no one could figure out who did it. He states he asked if Mr.  
678 Hebert would be willing to go and clean it up and he was willing to do it. He states that he feels  
679 the board is alienating a good asset. He states that there are not a lot of septic contractors in town  
680 and not enough to do all septs there. He states Mr. Hebert has not been dealt with honestly or  
681 respectfully. He states that the Board attacked Mr. Hebert a lot the same as he was with his  
682 property. He states the reason he had Mr. Hebert do his septic is because he was threatened with

683 being thrown out of his house for not having a sanitary system. He states that he bought a house  
684 on existing septic and it was not failed. He states he still spent \$35,000 on a septic to have it  
685 replaced. He does not feel that Mr. Hebert has been treated fairly by the officials in the Town of  
686 Alton. He states he was standing on his front lawn while Ms. Ditri is in a Town vehicle using  
687 cameras. He states that's electronic use in a Town vehicle. He states that it is not right. He states  
688 Mr. Hebert should be allowed to stay there with his equipment. He states that he is not bothering  
689 anybody. He states if people take offense to a lot of new equipment he feels sorry. He states that  
690 Mr. Hebert has been good to have for a neighbor. He asks if the Board has any questions for him.

691

692 Board declines.

693

694 Chair Rich asks if anyone else is in favor of this Appeal. He asks if anyone is opposed to it.

695

696 Ms. Murray introduces herself, owner of 214 Main St, abutter to property. She states that her  
697 main issue with this matter is her sight. She states everybody flies down the street. She states she  
698 is on two corners. She states she is happy that the tree was cut down. She states she could still  
699 see between the trees. She states that Hebert trucks still park in the residential parking lot. She  
700 states that when she showed pictures last time she was present, she states Mr. Flannery saw them.  
701 She states they are not supposed to park there, that area is for residents. She states they still park  
702 there. She states that she has pictures from last month and the month before. She states she  
703 cannot see around the pickup trucks around the corner. She agrees they have made their parking  
704 lot bigger but they put the snow in front of the sidewalk instead of in their bigger parking lot, out  
705 of the way. She states she does not want to die backing out of her driveway, and that is her main  
706 issue.

707

708 Chair Rich thanks Ms. Murray and asks if there are any more comments from her.

709

710 Ms. Murray states that the last time they were there she thinks the party was supposed to get a  
711 permit. She states he (Mr. Hebert?) was going to do a new driveway from his abutting site  
712 around to make a semi-circle for the Hebert trucks.

713

714 Chair Rich states it might require a State permit from the State.

715

716 Ms. Murray states that has not been done or inquired about.

717

718 Chair Rich states he has no idea whether that is the case.

719

720 Ms. Murray states it has not been approved.

721

722 Chair Rich states he does not think the State would allow that. He explains he is not the State. He  
723 explains that that is a state road, and they give the permits to additional driveways as far as he  
724 knows.

725

726 Ms. Murray states that it is fine. She inquires if they made a bigger driveway why don't they  
727 utilize it? She states that's not being a friendly neighbor.

728



729 Chair Rich asks if anyone else would be opposed to the appeal.

730

731 Mr. Heath states that if nobody else needs to or wants to talk right now, he wants to address a  
732 couple of things that were said that he feels were very important. He agrees with Mr. Wentworth.  
733 He states there's a lot of non-conforming uses around town. He states some of them predate these  
734 regulations. He states that in the essence of keeping consistency the Town does not allow  
735 businesses or enterprises to operate without the accompanying state permits required. He states it  
736 is a condition of any approval that goes out that all necessary local and state permits are  
737 obtained. He states the one glaring issue with this is DOT has taken a stance that there is no  
738 driveway cut. He states any increase to vehicles whether they are dump trucks or pickup trucks  
739 increases the trip count. He states the reason that driveway wasn't approved the last time was  
740 because of line of sight. He states that it goes directly to the abutters (inaudible). He states the  
741 other thing he would like to comment on is about Code Enforcement taking pictures or driving  
742 by with a camera or targeting people or threatening people. He states that to classify that the job  
743 by nature is not very popular. He states when you send an individual out to town to tell people  
744 they are not following the regulations it's not popular. He states that taking photographs is the  
745 burden of the job to make a case that is provable on behalf of the town in front of the court. He  
746 states it is the nature of the beast, it has to be done. He states that if they were to tell Code to stop  
747 doing it, for example when the individual said he was forced or threatened to put a septic system  
748 in because he didn't have sanitary conditions, that is the burden we put on the Health Officer and  
749 Code Enforcement to make those calls. He states he felt it was important that he came back up to  
750 speak to that for the record and also for the Board.

751

752 Chair Rich asks how the Board would like to proceed.

753

754 Mr. Morgan suggests to close public input and debate it.

755

756 Chair Rich closes public input.

757

758 Mr. Morgan states he would like to discuss this. He feels there was good input on both sides. He  
759 points out that this is not a Special Exception. He reminds the Board that they are discussing an  
760 Appeal from an Administrative Ruling. He states this Board has very limited authority. He states  
761 they do not have the authority to negotiate, he explains it is not their job. He states it is not a  
762 Special Exception where they can grant these rights or put conditions on it. He states it is just a  
763 matter of voting on whether it is an appropriate administrative decision. He states that what can  
764 be taken into account in their considerations is much more limited than the breadth of the  
765 testimony they have had this evening.

766

767 Mr. LaRochelle states he is struggling with the fact of the Cease and Desist. He states that they  
768 already know the Special Exception was denied. He states that the Cease and Desist stops the  
769 person from continuing to fix the property. He understands that there are some issues with the  
770 State as far as the driveway is concerned. He states he knows there is some concern with the  
771 expansion of the driveway area. He states that they know already that they are not supposed to  
772 have a Special Exception for a Contractor Yard and that is not supposed to exist. He states there  
773 has been equipment there. He states the pictures attest to that. He states the Code Enforcement  
774 Officer attests to that. He states there has still been activity there. He states that the Board has

775 been told that the activity there was strictly to finish the drainage and take care of it. He inquires,  
776 where does the Board stand? If they follow through the Cease and Desist does that mean they get  
777 everything off the property right now and everything goes and nothing gets finished?

778

779 Mr. Morgan states he thinks one paragraph in the Cease and Desist gives him 7 days to comply.

780

781 Mr. LaRochelle states he is not sure if that is doable or not.

782

783 Mr. Morgan states the letter is old and is just coming before the Board this month. He states he is  
784 not sure if they still have 7 days or not but he thinks they only have the authority to vote up or  
785 down on the Cease and Desist. After that it is up to the Applicant and the Town to try and figure  
786 out how to rectify it. He does not think the Board can solve the problem.

787

788 Mr. LaRochelle agrees.

789

790 Chair Rich says he concurs with Mr. Morgan. He does not feel the Board can solve the problem.  
791 He states they need to vote on the Cease and Desist.

792

793 Mr. Mankus agrees.

794

795 Chair Rich states that is what is before the Board. He states that it is up to the Applicant to work  
796 it out with the Town and the Town Administration in terms of getting the other stuff done. He  
797 states that the Board's job is on the Cease and Desist. He states if they grant this Appeal then the  
798 Cease and Desist does not exist. He states if the Board denies it then the Cease and Desist stays  
799 in place.

800

801 Mr. LaRochelle agrees.

802

803 Chair Rich asks if he is stating that correctly.

804

805 Mr. LaRochelle agrees.

806

807 Chair Rich asks for a motion. He asks if Mr. Mankus has any further comment.

808

809 Mr. Mankus has no further comment.

810

811 The Board has no further comment.

812

813 Chair Rich asks for a motion.

814

815 **MOTION: To deny the request for an Administrative Appeal from the Cease and Desist.**

816 **Motion by Mr. Morgan. Mr. Mankus seconds that motion. Motion passed unanimously.**

817

818 ***ADMINISTRATIVE APPEAL DENIED.***

819

820 Board takes a five-minute break.

Board reconvenes.

2. NEW APPLICATIONS

Case #Z25-38 Jay & Julie Cleary, Owners	Map 12 Lot 92 Bear Pond Road	Special Exception Rural (RU) Zone
--	---------------------------------	--------------------------------------

A **Special Exception** is requested for Article 300, Section 360 to permit construction of a shed larger than 240 sq ft as a principle building on a lot.

**MOTION: To accept the application for Case #Z25-38 as complete. Motion by Mr. Lee. Second by Mr. LaRochelle. Motion passed unanimously.**

Ms. Cleary states she and her husband purchased the property two years ago. She states they are on a 45-acre lot, the driveway up to the lot is a road Northern Land Traders put in when they cleared the lot 40 years ago. She states that she already engineered a house design and already has a sep design but they are not in a position to build right now. She states that they plan on building at the top. She states that until then because she and her husband are doing everything themselves, they would like to put a shed at the top. She states that the abutter's list is quite large. She states that they cannot see her and she cannot see them. She states she brought this before the Board to see if they can get the exception to put in a shed that is bigger than the 12x20 that does not need to be permitted. Mr. LaRochelle asked if there have been any changes to the applications since submitted in 2021. Mr. Lee asks how big the shed would be. Ms. Cleary 24x32. She states there is no electric or water up there. She states that the Conservation Department had worried about wetlands. She states she has no wetlands. She states there is probably 4 acres of pretty flat property. She states that her husband has put in the crushed gravel next to that Conex container, on the left side of the ridge. She states that basically the property is two ridges with a valley in between and both sides of the ridges are extremely steep. She states you need to hold the trees to climb up. She states they wanted to put in a shed to house all of that. She states when they do build, they would like to attach the utilities to the house and either have it as a garage or barn or in law apartment or something like that. She asks if the board has any questions. Chair Rich asks what the height of the barn is. She states 12.5 ft. Chair Rich states he has an X on the plan and asks if that is where the shed is going. She confirms. Chair Rich asks how they access this and if there is a road or a driveway that goes all the way to the top. She states there are two roads. Chair Rich asks the distance from the road to the shed. She states it is over 1000 ft. Mr. Mankus states She had mentioned 24-acre lot. Ms. Cleary corrects Mr. Mankus and states it is a 44-acre lot. Chair Rich asks if there are more questions from the Board.

Chair Rich asks if there is any public input. Chair Rich asks if anybody present is in favor of this Applicant's application for the shed. Chair Rich asks if anybody is opposed to this Applicant's application for the shed. Chair Rich closes public input.

Chair Rich asks if Ms. Cleary would like to say anything else before the Board approves or disapproves it. Ms. Cleary states she feels they provided everything that the Board needs. She states they have improved the property and the neighbors know that. Chair Rich asks if the board is ready to decide.

865 The Board worked through the Special Exception worksheet.

866

867 **Discussion – Case#Z25-38**

868

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

871

872 Mr. Lee states a plat **has** been submitted in accordance with the appropriate criteria in Article  
873 500 Section 520 B. The Board agrees.

874

875 Mr. LaRochelle states the specific site **is** an appropriate location for the use. He states it is simply  
876 a shed being put up on a wooded property and believes this is very appropriate for the location.  
877 The Board agrees.

878

879 Mr. Morgan states that actual evidence **is not** found that the property value in the district will be  
880 reduced due to incompatible land uses. The Board agrees.

881

882 Mr. Mankus states that there **is no** valid objection from abutters based on demonstrable fact. The  
883 Board agrees.

884

885 Chair Rich states there **is no** undue nuisance or serious hazards to pedestrians or vehicle traffic  
886 including the location and design access of ways of off-street parking. The Board agrees.

887

888 Mr. Lee states adequate and appropriate facilities and utilities **will** be provided to ensure the  
889 proper operation in the proposed use of structure. He states there are adequate and appropriate  
890 facilities. The Board agrees.

891

892 Mr. LaRochelle states there **is** adequate area for safe and sanitary sewerage disposal and water  
893 supply. He states this is a storage shed on a wooded lot so that does not apply at this time. The  
894 Board agrees.

895

896 Mr. Morgan states that proposed use of structure **is** consistent with the spirit of this ordinance in  
897 the intent of the master plan. The Board agrees. Chair Rich asks for a motion.

898

899 **MOTION: To approve special exception from article 300 Section 360 for application #Z25-**  
900 **38. Motion by Mr. Morgan. Second by Mr. LaRochelle. Motion passed unanimously.**

901

902 **OTHER BUSINESS**

903 **1. Previous Business:** (None)

904

905 **2. New Business:** Chair Rich states Discussion to consider rehearing request regarding  
906 #Z25-35 Map 11, Lot 2813 for Thane LLC property owner submitted by Gary Boisvert,  
907 Esq. This is a discussion by the Board and I do not think that we need to have any public  
908 input but it's an open discussion so the public can hear it, but it's closed to any public  
909 input. Just so the public knows that there is no public input. The Board has received  
910 information from the Applicant and we will discuss it by the Board and make a decision

based on whether we feel that there needs to be consideration for rehearing request that the Board, if we make that decision for rehearing would be another hearing concerning the Applicant in terms of this particular discussion.

Mr. LaRochelle states that he feels as though in lieu of looking at the Attorney's letter and looking through this that the Applicant should be granted a rehearing request on this particular case.

Mr. Morgan agrees. He states this board has always been pretty liberal about allowing rehearings just to make sure that they get it right and that the Applicants are given a fair hearing. He states rehearing this case accomplishes that.

Mr. LaRochelle agrees.

Mr. Lee agrees. He states the level of detail and the comprehensive nature of the brief that was put forward is excellent. He states it took a while to get through but it was very informative and educational on a few different points. He states he would like to go forward with a rehearing.

Mr. Mankus agrees for the same reasons. Chair Rich states that for all the same reasons it is very comprehensive. He reviewed it in great length. He states there are several issues that the Board needs to reconsider and listen to it more intently. Chair Rich asks for a motion.

**MOTION: To grant the request for the rehearing for case #Z25-35 Map 11, Lot 28-13 of Thane LLC, property owner submitted by Gary Boisvert Esq. Motion by Mr. LaRochelle. Mr. Lee seconds the motion. Motion passed unanimously.**

Chair Rich states that rehearing is approved. Chair Rich states he imagines the rehearing would be at the next meeting.

Ms. Ditri agrees.

Mr. Lee states December 4<sup>th</sup>.

Chair Rich states December 4<sup>th</sup>. The next rehearing would be on December 4<sup>th</sup> just for the public to know.

Ms. Ditri asks Chair Rich to consider a withdrawal from the Planning Board regarding the second case that is a request for rehearing.

Chair Rich states we have a withdrawal.

Ms. Ditri states we have a request for rehearing for a case.

Chair Rich states, from Catherine Gould abutter.

957

958 Ms. Ditri states the property owner is here and may be able to shed some light on this, but thinks  
959 his plans will change a bit. She states she does not know how that will affect the Special  
960 Exception that was granted or if that needs to be done again. She expressed uncertainty if the  
961 case would be reheard regardless. She states she is not sure how to handle it. She asks Mr.  
962 Lundy if he wants to give a synopsis of where things are at and if The Goulds want to go forward  
963 with a rehearing or not.

964

965 Mr. Lundy states that he talked to (Jeff Hurtell?) and asked him if he would sell him an easement  
966 through his property another access through his storage units onto Hodgdon Rd, a Class VI Road  
967 that I just did the entrance to get up into his property. He said yes, he would. Mr. Lunday states  
968 he would extend Hodgdon Rd at his own expense, another 50 ft to go right behind his building.  
969 Mr. Lundy states he still wants his other entrance. He states he has a legal entrance there. He  
970 states he wants to use the entrance onto Hodgdon Rd right onto the highway. He states that he is  
971 making a deal with (Jeff Hurtell) on that.

972

973 Chair Rich states that the Board approved his ZBA. Chair Rich states that this rehearing request  
974 is from one of Mr. Lundy's abutters, Catherine Gould.

975

976 Mr. Lundy agrees.

977

978 Chair Rich states to the Board that he believes they have to rule on this here and whatever Mr.  
979 Lundy decides that he wants to do in addition depending on how the Board rules on this matter  
980 Mr. Lundy can bring up other things at that hearing. He states that he does not believe it is  
981 appropriate for Mr. Lundy to bring up whatever additions he wants to do within this hearing  
982 being heard.

983

984 Mr. Lundy agrees.

985

986 Chair Rich explains that what the Board has to decide is a rehearing for the approved ZBA,  
987 should it be reheard based on the information they were given by the abutter. He states it is  
988 irrelevant to what the Board is looking at. He states that Mr. Lundy has every right to the  
989 Planning Board for an approval. He states that Mr. Lundy can do that even if someone appeals it.  
990 He explains he would be doing it at his own risk. He explains that anything that the ZBA does or  
991 has approved could be appealed an adjudicated by a court of law and anything that Mr. Lundy  
992 might have done or any expense that he may have taken to do anything on his property could be  
993 reversed. He asked if Mr. Lundy understood.

994

995 Mr. Lundy understands.

996

997 Chair Rich asks if the Board feels differently (and they don't) they have a rehearing request and  
998 as a Board have to decide if a rehearing is appropriate just as they did on the last case. He states  
999 that they did feel they needed a rehearing.

1000

1001 Mr. Lee states that there is relevancy in the fact that if Mr. Lundy is making an adjustment to the  
1002 access road, it would be noteworthy a discussion with the abutters and even a rehearing gets

1003 scheduled it might get cancelled based on negotiation between you and any other parties  
1004 associated with it. He states that that is up to Mr. Lundy and the parties involved. He states that  
1005 the Board will vote on the rehearing portion.

1006

1007 Chair Rich asks for discussion consideration of a rehearing request for #Z25-36, Map 15, Lot 9-  
1008 3-1 for Catherine Gould abutter submitted by Stephen Gril, Esq.

1009

1010 Mr. Morgan states that in keeping with their pattern of a Board in being liberal and allowing  
1011 Appeals so they make sure they get it right and that everybody feels adequately heard he would  
1012 vote in favor of a rehearing.

1013

1014 Mr. Lee concurs with that.

1015

1016 Mr. LaRochelle states in all fairness he would have to agree.

1017

1018 Mr. Mankus agrees.

1019

1020 Chair Rich asks for a rehearing.

1021

1022 **MOTION: To approve the request for a rehearing in case #Z25-36. Motion by Mr.**  
1023 **Morgan. Mr. Lee seconds that motion. Motion passed unanimously.**

1024

1025 Chair Rich states that there will be a rehearing on December 4<sup>th</sup> 2025 based on the Board's  
1026 decision in all fairness to have a rehearing based on the information that was submitted by  
1027 Catherine Gould as the abutter.

1028

1029 Chair Rich states approval of the minutes from ZBA minutes of August 7, September 4<sup>th</sup> and  
1030 October 2<sup>nd</sup>.

1031

1032 Ms. Ditri states we are approving October 2<sup>nd</sup> minutes only.

1033

1034 Chair Rich states we are only approving October 2<sup>nd</sup> minutes. He states they will not be  
1035 approving August 7<sup>th</sup> nor September 4<sup>th</sup> because they are still in the works. He states they are  
1036 approving with any changes. He states he hopes everybody got to see what the original draft was  
1037 verses what the new draft is. He asks if he needs time to read them. He asks for an approval.

1038

1039 Ms. Ditri asks for Motion to approve.

1040

1041 **MOTION: To approve the October 2<sup>nd</sup>, 2025, public hearing for the Zoning Board. Motion**  
1042 **by Mr. LaRochelle. Mr. Mankus seconds the motion. Motion passed unanimously.**

1043

1044 Chair Rich states that was just October 2<sup>nd</sup>.

1045

1046 Mr. Mankus states revised.

1047

1048 Chair Rich asks Ms. Ditri if there is any correspondence.

1049

1050 Ms. Ditri states yes.

1051

1052 **3. Correspondence: Yes**

1053

1054

1055 Mr. Morgan states he thinks this Board made quite a point of saying they didn't think this was an  
1056 RV.

1057

1058 Mr. Lee states yes.

1059

1060 Mr. Morgan states he is unsure if the opinion they put out reflected that or not. He has a strong  
1061 sense that that was what the board was trying to say.

1062

1063 Mr. Lee agrees.

1064

1065 Ms. Ditri states that that might be beyond what the Board can do.

1066

1067 Mr. Morgan asks if they think the Board has to correct what they did before by going forward  
1068 with this.

1069

1070 Ms. Ditri states she does not believe a correction can be made on what was already done. She  
1071 states this will be step two which will go however it goes. She states there will be another  
1072 variance before the Board and they will have to decide on the case.

1073

1074 Mr. LaRochelle states that it will be another variance.

1075

1076 Ms. Ditri agrees.

1077

1078 Chair Rich states they approved the RV.

1079

1080 Ms. Ditri agrees. She states Section 5-356 but didn't approve Section 412.

1081

1082 Mr. LaRochelle asks if they applied for 412.

1083

1084 Ms. Ditri states they did not.

1085

1086 Mr. LaRochelle asks if they were advised to use Section 412.

1087

1088 Ms. Ditri states they had one discussion where she told the Applicant what he wanted to do  
1089 wasn't allowed by the Town's zoning and he went to zoning on his own and filled out an  
1090 application. It was filled out before she had a chance to talk to him about it.

1091

1092 Mr. Lee asks that she notified them and this was just a couple of days ago. He states they will  
1093 have to wait until the case comes before them if they in fact apply.

1094



1095 Ms. Ditri states that it was correspondence that was done regarding the Board here and what you  
1096 do here so it is important you know what I'm doing and what I'm saying and who.  
1097  
1098 Board agrees.  
1099  
1100 Chair Rich asks if the vehicle is already there.  
1101  
1102 Mr. LaRochelle says it is not.  
1103  
1104 Ms. Ditri states the mobile home is gone.  
1105  
1106 Chair Rich asks the RV is not there?  
1107  
1108 Ms. Ditri states that it is not there that she knows of.  
1109  
1110 Mr. LaRochelle within the last two or three weeks it was removed. There's nothing there right  
1111 now.  
1112  
1113 Chair Rich states they approved this in August. It is now November 4<sup>th</sup>. Did you just notify them  
1114 now?  
1115  
1116 Ms. Ditri states yes. She states he got a demo permit for the manufactured home not too long  
1117 ago.  
1118  
1119 Mr. LaRochelle asked, he just got the demo permit?  
1120  
1121 Ms. Ditri states yes it has not been gone that long.  
1122  
1123 Mr. LaRochelle states a couple of weeks.  
1124  
1125 Ms. Ditri states she told him verbally and he did not agree with her on the phone so she followed  
1126 up with a letter.  
1127  
1128 Mr. LaRochelle states it was a shame that this was not brought to his attention at the time of the  
1129 hearing.  
1130  
1131 Ms. Ditri states that people don't always listen or come in and talk to anybody they just apply.  
1132 He did the whole application himself and brought it in to Robin. She states she did not know he  
1133 was doing that until it was after the deadline date.  
1134  
1135 Mr. LaRochelle states that now the other building is gone.  
1136  
1137 Ms. Ditri agrees.  
1138  
1139 Mr. Lee states he appreciates the correspondence.  
1140

1141 **MOTION: To adjourn the meeting. Motion by Mr. Lee. Second by Mr. Mankus. Motion**  
1142 **passed unanimously.**

1143

1144 The meeting was adjourned at 8:00 PM

1145

1146 Respectfully Submitted,

1147

1148 Sandra Monaco, Recording Secretary