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**TOWN OF ALTON**  
**ZONING BOARD OF ADJUSTMENT**  
**PUBLIC HEARING MEETING**  
**Thursday, December 7, 2023, at 6:00 P.M.**  
**Alton Town Hall**

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**MEMBERS PRESENT**

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

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24  
**OTHERS PRESENT**

John Dever, Interim Building Inspector  
Jessica Call, Town Planner  
Joseph & Janet Boccelli, Owners  
Joseph Fisicheli, Agent for owner  
Leo Bernier, Agent for owner  
Barbara Stallone, resident  
Jill Caputo, abutter  
Ann Poznac, resident

25  
26  
27  
**CALL TO ORDER**

Chair Lee called the meeting to order at 6:04 PM.

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29  
30  
**INTRODUCTION OF BOARD MEMBERS**

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

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33  
**APPOINTMENT OF ALTERNATES**

No appointment of alternates.

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**STATEMENT OF THE APPEAL PROCESS**

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

44 **APPROVAL OF AGENDA**

45 Mr. Dever stated the applicant has withdrawn their application for Case #23-28.

46  
47 **MOTION: To approve the agenda. Motion by Mr. Manning. Second by Mr. Larochelle.**  
48 **Motion passed 5-0-0.**

49  
50 **CONTINUED PUBLIC HEARINGS**

<b>Case #Z23-28</b> <b>TF Moran, Inc., Agent for Don Sorrentino, Applicant and SEH Investments, LLC, Owners</b>	<b>Map 4 Lot 13</b> <b>Frank C Gilman Highway</b>	<b>Special Exception</b> <b>Rural Zone (RU)</b>
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51 A **Special Exception** is requested from **Article 500, Section 520.A.B. and C.** to permit three (3)  
52 5-Unit Townhomes on oversized lots and one (1) Residential Lot reserved for Single Family Use

53  
54 *Applicant withdrew application.*

55  
56 **NEW APPLICATIONS**

<b>Case #Z23-29</b> <b>Joseph &amp; Janet Boccelli, Owners</b>	<b>Map 63 Lot 38</b> <b>16 Legacy Landing</b>	<b>Special Exceptions</b> <b>Lakeshore Residential (LR)</b> <b>Zone</b>
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57 **Special Exceptions** are requested from **Article 300 Section 320.D Expansion of a**  
58 **Nonconforming Use** to permit the replacement and expansion of a house that is also a  
59 nonconforming use due to multiple dwelling units on a lot (3 homes).

60  
61 Chair Lee read the public notice into the record. The Board reviewed the application for  
62 completeness.

63  
64 **MOTION: To accept the application for Case #Z23-29 as complete. Motion by Mr.**  
65 **LaRochelle. Second by Mr. Rich. Motion passed 5-0-0.**

66  
67 Mr. Boccelli stated the existing structure is a five-bedroom home; they want to take it down and  
68 build a new four-bedroom home. He stated it would be their permanent residence. It was  
69 clarified there are five homes on the lot and street. Mr. Boccelli stated they own all the homes;  
70 some of the houses have their own septic systems and three are on the shoreline and tied into a  
71 ten-bedroom septic system. The new house will have a new deck and porch.

72  
73 Mr. Morgan asked for clarification on what the special exception is being requested for. Mr.  
74 Dever stated the intent is to remove the existing home and replace it with a home with less  
75 bedrooms but larger in size; they also want to put on a cupola which will go to 39 feet in height.  
76 He explained it's a nonconforming lot with multiple dwellings; the use is being expanded. The  
77 application is for the two aspects of the expansion and height as well as being nonconforming for  
78 setbacks. Mr. Morgan stated he is concerned about multiple aspects being addressed together; he  
79 would be more comfortable having these items separated. The Board agreed to separate the items  
80 for deliberations: the expansion to be Case #23-29, the replacement of nonconforming structure  
81 Case#23-32 and the height restriction Case#23-33.

82  
83 Mr. Boccelli confirmed the footprint will not change in size or location. The Board noted the lot  
84 is currently nonconforming but will be less nonconforming with the reduction in bedrooms.

85  
86 It was confirmed the proposal does not substantially change the use of the lot; the expansion  
87 doesn't have any affect on the neighborhood. The change doesn't make the footprint more  
88 nonconforming.

89  
90 Chair Lee opened the hearing to input from the public.

91  
92 Barbara Stallone, resident, stated the Boccellis purchased these lots from her a couple of years  
93 ago; she distributed photos of the lot to explain the proposal. Ms. Stallone stated if this is going  
94 to be the Boccelli's permanent residence, she is in support of the proposal and are happy the old  
95 home is going to be redone.

96  
97 Jill Caputo, abutter, stated every house is being used for short-term rentals and it has been a  
98 nightmare; she stated there is a lot going on. She asked how many people a ten-bedroom septic  
99 would support, noting the largest house is rented out to 12 people and the other house is 6-8; she  
100 stated the lots are on a tiny cove and she is opposed to what is going on; she is also opposed to  
101 the expansion of a house in height. She stated the house is directly in front of her house and  
102 view. Ms. Caputo stated she is also concerned about the adequacy of the septic system.

103  
104 Chair Lee closed the public hearing.

105  
106 Chair Lee stated letters and emails were received from abutters.

107  
108 An email was received from Tom and Alissa Seymore on Rollins Road; the Seymores stated  
109 there have been many issues with the Boccelli's property being used as a short-term rental in a  
110 residential area and it has had a negative impact on the neighborhood. There are also concerns  
111 about the use of the 20 docks and a dock-rental business and expansion of the docks in a  
112 nonconforming lot.

113  
114 An email was received from Dave Madden, in opposition to the proposals, noting values of  
115 surrounding properties will be diminished and there have been problems with short-term renters  
116 who aren't respectful of the area. Mr. Madden is concerned about an increase in short-term  
117 rentals in the cove area and an increase in lakeshore violations which will not be in the public  
118 interest and negatively affect the neighborhood.

119  
120 Mr. Boccelli stated they did not add any docks; they do rent the existing home during the  
121 summertime but when they live there, that won't occur. He stated there won't be a deterioration  
122 of property values with them being on-site and doesn't believe there will be any issues. He  
123 confirmed they previously rented the homes on the lot; going forward, they will live in the home  
124 in the center and continue to rent the other two homes. Mr. Boccelli stated the people who rent  
125 the docks are from the islands. Mr. Rich suggested a restriction to their home for no short-term  
126 rentals. The Boccellis agreed.

127

128 The Board worked through the Special Exception worksheet.

129

130 **Discussion – Case #Z23-29**

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

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

135 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the applicant has  
136 indicated they are taking the existing home on the same footprint and building a larger home. Mr.  
137 Morgan stated the use is not changing and it will continue to be residential. The Board agreed.

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

142 Mr. Morgan stated there **is no** valid objection from abutters based on demonstrable fact. He  
143 stated some objections were made by abutters by testimony and via emails but most of those  
144 issues deal with other aspects of the application and not this issue which is to place a residence  
145 on the property that is nonconforming due to more than one residence on the property. The  
146 Board agreed.

147 Mr. LaRoche stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular  
148 traffic, including the location and design of accessways and off-street parking. He stated no  
149 concerns have been indicated regarding this. The Board agreed.

150 Chair Lee stated adequate and appropriate facilities and utilities **will** be provided to ensure the  
151 proper operation of the proposed use or structure. He stated it is a replacement of a five-bedroom  
152 home with a four-bedroom home; there are no changes to the systems. The Board agreed.

153 Mr. Rich stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He  
154 stated as noted on the plan, there is a ten-bedroom approved septic system. The Board agreed.

155 Mr. Manning stated the proposed use or structure **is** consistent with the spirit of this ordinance  
156 and the intent of the Master Plan. The Board agreed.

157 **MOTION: To approve the request for a Special Exception for Case #Z23-29. Motion by**  
158 **Mr. Manning. Second by Mr. LaRoche.**

159

160 **AMENDMENT: This home be a permanent residence and not subject to rental use.**  
161 **Amendment by Mr. Morgan. Second by Mr. Rich. Amendment passed 4-1-0.**

162

163 **Amended Motion Passed 4-1-0.**

164

Case #Z23-32 Joseph & Janet Boccelli, Owners	Map 63 Lot 38 16 Legacy Landing	Special Exceptions Lakeshore Residential (LR) Zone
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165 **Special Exceptions are requested from Article 300 Section 320. J Replacement of**

166 **Nonconforming Structures**, to permit the replacement and expansion of a house that is also a  
167 nonconforming use due to multiple dwelling units on a lot (3 homes).

168  
169 Chair Lee read the public notice into the record. The Board reviewed the application for  
170 completeness.

171  
172 **MOTION: To accept the application for Case #Z23-32 as complete. Motion by Mr.**  
173 **Morgan. Second by Mr. Rich. Motion passed 5-0-0.**

174  
175 Mr. Boccelli stated he would be willing to move the house back further from the water if needed;  
176 that would also move the deck back with house. The deck as currently proposed would be 14 feet  
177 from the shoreline. Mr. Dever noted if the house is moved back, it will be less nonconforming  
178 and there is no deck on the existing house. Mr. Morgan stated the proposed height of the new  
179 building is nonconforming and requires a special exception. The Board discussed putting the  
180 issues in a different order and agreed to address the special exception for the height/cupola  
181 before the replacement of nonconforming structure.

182

<b>Case #Z23-33</b> <b>Joseph &amp; Janet Boccelli, Owners</b>	<b>Map 63 Lot 38</b> <b>16 Legacy Landing</b>	<b>Special Exceptions</b> <b>Lakeshore Residential (LR)</b> <b>Zone</b>
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183 **Special Exceptions** are requested from **Article 300 Section 328.D Height Restrictions** to  
184 permit the replacement and expansion of a house that is also a nonconforming use due to  
185 multiple dwelling units on a lot (3 homes).

186  
187 Chair Lee read the public notice into the record. The Board reviewed the application for  
188 completeness.

189  
190 **MOTION: To accept the application for Case #Z23-33 as complete. Motion by Mr.**  
191 **LaRochelle. Second by Mr. Rich. Motion passed 5-0-0.**

192  
193 Mr. Boccelli stated they want to put a cupola that has accessible space at the top of their home;  
194 he stated it's a design that they like; the current structure is two stories, and the replacement  
195 structure will have a total height of 39 feet which is 4 feet over the ordinance restriction. It was  
196 confirmed no views of the lake would be restricted as Mr. Boccelli owns the property across the  
197 road. Mr. Boccelli stated it would not obstruct the view of the lake any more than currently. Mr.  
198 Dever stated the homes across the street are single-story, so the view won't be changed. Ms.  
199 Boccelli stated there is a view between the homes to the lake. The cupola will be 16 by 16 feet. It  
200 was noted that the closest abutter is about 300 feet to the side. Mr. Dever noted the lot is very  
201 level. The Board discussed whether the height could be lowered to meet the requirements; it was  
202 indicated that it could not.

203  
204 Mr. Morgan asked if any comment was received from the Fire Department. None was received.

205  
206 Chair Lee opened the hearing to input from the public.

207  
208 Ann Poznac, Smith Point Road, stated she isn't an abutter but has concerns; she stated a 16 by

209 16-foot size is another room on top of the house which is basically a fourth level. She stated it  
210 also makes something already nonconforming, more nonconforming.

211  
212 Chair Lee closed the public hearing.

213 Mr. Boccelli stated the height of the ceiling in the cupola is 7 feet but he might be able to lower  
214 it. Mr. Dever stated with that height, its not considered living space; it was confirmed there  
215 would not be any bathrooms or bedrooms. Mr. Boccelli stated he could revisit the plans to see if  
216 it can be reduced to 14 by 14 feet.

217  
218 The Board worked through the Special Exception worksheet.

219  
220 **Discussion – Case #Z23-33**

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

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

225 Mr. Manning stated the specific site **is** an appropriate location for the use. Mr. Morgan stated the  
226 use of the structure is not changing and will remain a residence. The Board agreed.

227 Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be  
228 reduced due to incompatible land uses. He stated the use is not changing; there was no testimony  
229 that values would change in either direction. No factual evidence was submitted to indicate  
230 values would be diminished. The Board agreed.

231 Mr. LaRoche stated there **is no** valid objection from abutters based on demonstrable fact  
232 although there were concerns about the size of the cupola, there is no evidence that views will be  
233 blocked. Mr. Manning stated he doesn't agree as there isn't evidence to show how the  
234 "ornaments" will impact the views for the property behind it. Mr. Morgan stated he believes the  
235 objections from abutters are valid. The Board voted 3/2.

236 Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,  
237 including the location and design of accessways and off-street parking. He stated the access ways  
238 and off-street parking are not changing. The Board agreed.

239 Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the  
240 proper operation of the proposed use or structure. He stated the cupola isn't going to affect the  
241 rest of the home and the new home will have the proper facilities. The Board agreed.

242 Mr. Manning stated there **is** adequate area for safe and sanitary sewage disposal and water  
243 supply. The Board agreed.

244 Mr. Morgan stated the proposed use or structure **is not** consistent with the spirit of this ordinance  
245 and the intent of the Master Plan. He stated the spirit is for safety and aesthetics and believes this  
246 fails on both. Mr. LaRoche stated he believes it is in the spirit of the ordinance, taking a  
247 property that needs to be redone and bring it up to state and town standards; it will be less  
248 nonconforming. Chair Lee agreed. Mr. Rich stated he doesn't believe its in the spirit of the  
249 ordinance or Master Plan; it is living space as far as he is concerned. Mr. Manning stated he  
250 doesn't believe its consistent with the intent of the Master Plan due to the height of the cupola;

251 he stated he is in favor of replacing the building but the cupola creates a new, nonconforming  
252 aspect of the structure.

253 **MOTION: To approve the request for a Special Exception for Case #Z23-33. Motion by**  
254 **Mr. LaRochelle. Second by Chair Lee. Motion failed, 2-3-0.** Mr. Rich, Mr. Morgan, and Mr.  
255 Manning opposed.  
256

<b>Case #Z23-32</b> <b>Joseph &amp; Janet Boccelli, Owners</b>	<b>Map 63 Lot 38</b> <b>16 Legacy Landing</b>	<b>Special Exceptions</b> <b>Lakeshore Residential (LR)</b> <b>Zone</b>
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257 **Special Exceptions** are requested from **Article 300 Section 320. J Replacement of**  
258 **Nonconforming Structures**, to permit the replacement and expansion of a house that is also a  
259 nonconforming use due to multiple dwelling units on a lot (3 homes).  
260

261 Mr. Morgan stated since Case #23-33 was denied, he doesn't believe they have an adequate plan  
262 to consider the application. Chair Lee stated the plat does indicate a cupola so a revised plan  
263 would be needed; the Board cannot move forward without appropriate plans. Mr. LaRochelle  
264 stated this Board has previously placed conditions that are not indicated on plats; he stated they  
265 have detailed drawings up to the second floor of the house and believes they could go with the  
266 current plot plans, and exclude the cupola. Mr. Morgan suggested permitting the applicant to  
267 have a continuance.  
268

269 Ms. Call stated if this was a Planning Board case, the Board would not be permitted to make  
270 approval on a plan that is outdated, and she agrees with Mr. Morgan. Mr. Dever stated the  
271 applicant has the right to go to the height of 35 feet but it is up to the Board whether they will  
272 move forward. Mr. Morgan stated he wants to be sure the proper documents are in place and can  
273 be reviewed by the Board in case there is an appeal or this case goes further; they need to know  
274 what they are approving.  
275

276 Chair Lee asked the applicants if they want to continue this case to the next meeting in January  
277 to allow for revisions to be made to the plans. Mr. Boccelli stated he is adamant he wants to  
278 retain a cupola and it was agreed to revise the plans and continue the case.  
279

<b>Case #Z23-31</b> <b>Joseph &amp; Janet Boccelli, Owners</b>	<b>Map 63 Lot 38</b> <b>16 Legacy Landing</b>	<b>Variance</b> <b>Lakeshore Residential (LR)</b> <b>Zone</b>
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280 **A variance** are requested from **Article 300 Section 327.A.1 Setback Requirements**  
281 **(Shorefront)** to permit replacement and expansion of a house within the 30' shorefront setback.  
282

283 *Continued to January 4, 2024.*

284  
285 **MOTION: To continue Case Z23-32 and Z23-31 to the next meeting, January 4, 2024.**  
286 **Motion by Mr. Rich. Second by Mr. Morgan. Motion passed 5-0-0.**  
287  
288

<b>Case #Z23-30</b> <b>Joseph Fisicheli &amp; Leo Bernier,</b> <b>Agents for Judy Hudson, Owner</b>	<b>Map 61 Lot 4</b> <b>5 Lamprey Ledge Road</b>	<b>Variances</b> <b>Lakeshore Residential Zone</b> <b>(LR)</b>
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289 A Variance is requested from Article 300 Section 327.A.1 to permit to remove and replace a  
290 deck within the 30 foot set back from the water.

291  
292 Chair Lee read the public notice into the record. The Board reviewed the application for  
293 completeness.

294  
295 **MOTION: To accept the application for Case #Z23-30 as complete. Motion by Mr.**  
296 **LaRochelle. Second by Mr. Rich. Motion passed 5-0-0.**

297  
298 Leo Bernier, representative for the applicant, stated the applicant wants to replace the current  
299 deck. The current deck is about 32 by 6 feet; the proposal is to extend the depth to 12 feet; it  
300 would remain the same width. The deck will be 8 to 10 feet off the ground and will follow the  
301 contour of the house.

302  
303 Chair Lee opened the hearing to input from the public. None was indicated.

304  
305 Chair Lee closed the public hearing.

306  
307 The Board worked through the Variance Worksheet.

308  
309 **Discussion – Case #Z23-30**

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

311 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated the  
312 home is elevated about the area, NH DES approval was obtained and doesn't believe its contrary  
313 to replace the existing deck which is in need of repair. The Board agreed.

314 Mr. Rich stated the request **is** in harmony with the spirit of the ordinance and the intent of the  
315 Master Plan to maintain the health, safety, and character of the direct district within which it is  
316 proposed. He stated the deck is 60 years old and needs to be replaced, which is within the intent  
317 of the Master Plan. The Board agreed.

318 Mr. Manning stated that by granting the variance, substantial justice **will be** done. He stated there  
319 is no impact to anyone else but there is a benefit to the homeowner. The Board agreed.

320 Mr. Morgan stated the values of surrounding properties **will not be** diminished. He stated no  
321 evidence was submitted to indicate there would be a diminution of the values of surrounding  
322 properties. The Board agreed.

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



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

330 Chair Lee stated the proposed use is reasonable and the request is reasonable. The Board agreed.  
331

332 **MOTION: To grant the request for a variance to Article 300 Section 327.A.1 for Case**  
333 **#Z23-30. Motion by Mr. Morgan. Second by Mr. LaRochelle. Motion passed 5-0-0.**  
334

335 **OTHER BUSINESS**

336 **1. Previous Business:** Board to sign Alternate member oath.

337 **2. New Business:**

338 **a. Board to approve the 2024 meeting schedule.**  
339

340 **MOTION: To approve the meeting schedule as presented. Motion by Mr. Manning. Second**  
341 **by Mr. Morgan. Motion passed 5-0-0.**  
342

343 **b. Discussion regarding the 2023-24 proposed zoning amendments**  
344

345 The Board reviewed the proposed zoning ordinances.  
346

347 Mr. Rich left the meeting at 8:30 PM.  
348

349 **c. Discussion regarding the extension deadline for Short Term Rental permit**  
350 **applications.**  
351

352 **APPROVAL OF MINUTES**

353 Meeting of November 2, 2023- No edits were made. **MOTION: To approve as presented.**  
354 **Motion by Mr. LaRochelle. Second by Mr. Morgan. Motion passed 4-0-0.**  
355

356 **Correspondence:** None.  
357

358 **ADJOURN**

359 **MOTION: To adjourn the meeting. Motion by Mr. Manning. Second by Mr. Morgan**  
360 **Motion passed 4-0-0.**  
361

362 The meeting was adjourned at 8:35 PM.  
363

364 Respectfully Submitted,

365 *Jennifer Riel*

366 Jennifer Riel, Recording Secretary