

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, May 2, 2024, at 6:00 P.M.
Alton Town Hall**

MEMBERS PRESENT

Tom Lee, Chair
Frank Rich, Vice Chair
Paul LaRochelle, Selectman’s Representative
Mark Manning, Member
Joe Mankus, Alternate Member

OTHERS PRESENT

Robin McClain, Land Use Assistant
Norma Ditri, Code Enforcement Officer
Josh Thibault, White Mountain Survey/Varney Engineering, LLC
Scott Williams, applicant
Johnathon Boutin, representative for applicant
Jim Bonin, representative for applicant
Jen Flohr, owner
Terry Rhineback, abutter
Brad Hunter, resident
Tom Varney, Varney Engineering, LLC
Ethan Wood, Esq., representative for the applicant
Pat Heffernan, agent for applicant

CALL TO ORDER

Chair Lee 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.

APPOINTMENT OF ALTERNATES

Chair Lee stated an alternate will be needed for this meeting.

**MOTION: To have Mr. Mankus sit on the Board for this meeting. Motion by Mr. Rich.
Second by Mr. Manning. Motion passed unanimously.**

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

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

51 **APPROVAL OF AGENDA**

52
53 Ms. Ditri added review and approval of the February meeting minutes.

54
55 **MOTION: To approve the agenda as amended. Motion by Mr. Rich. Second by Mr.**
56 **LaRochelle. Motion passed unanimously.**

57
58 **1. APPLICATIONS CONTINUED FROM MARCH 7, 2024**

Case #Z24-10 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Special Exception Rural Zone (RU)
--	--	--

59 A **Special Exception** is requested from **Article 300 Section 334** to permit a Commercial
60 Function Facility in the Rural Zone.

61 *Applicant requested continuance to June 6, 2024*

62

Case #Z24-11 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Variance Rural Zone (RU)
--	--	---

63 A **Variance** is requested from **Article 400 Section 452.B** to permit access to two proposed lots
64 apart from where the street frontage is claimed.

65 *Applicant requested continuance to June 6, 2024*

66

Case #Z24-12 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Variance Rural Zone (RU)
--	--	---

67 A **Variance** is requested from **Article 300 Section 319 11.** to permit an unattached ADU that
68 will be occupied by a person or persons other than the owner.

69 *Applicant requested continuance to June 6, 2024*

70

Case #Z24-13 The Lakes Hospitality Group, LLC, Jeremy Martin, Signatory	Map 16 Lot 18 & 20 Cherry Valley Road	Variance Rural Zone (RU)
--	--	---

71 A **Variance** is requested from **Article 300, Sections 319 4. & 12.,** to permit a detached ADU,
72 where it is required to be attached or within; and to permit an exterior door between the primary
73 single-family dwelling and an ADU, where an interior door is required.

74 *Applicant requested continuance to June 6, 2024*

75

76 Chair Lee stated a request for a continuance was requested by the applicants.
77 **MOTION: To grant the request for a continuance by the applicant for Case #Z24-10 to**
78 **June 6, 2024, this being the final continuance for this case and the application and**
79 **renotification process will need to be restarted. Motion by Mr. Rich. Second by Mr.**
80 **LaRochelle. Motion passed unanimously.**

81
82 **MOTION: To grant the request for a continuance by the applicant for Case #Z24-11 to**
83 **June 6, 2024, this being the final continuance for this case and the application and**
84 **renotification process will need to be restarted. Motion by Mr. Rich. Second by Mr.**
85 **LaRochelle. Motion passed unanimously.**

86
87 **MOTION: To grant the request for a continuance by the applicant for Case #Z24-12 to**
88 **June 6, 2024, this being the final continuance for this case and the application and**
89 **renotification process will need to be restarted. Motion by Mr. Rich. Second by Mr.**
90 **LaRochelle. Motion passed unanimously.**

91
92 **MOTION: To grant the request for a continuance by the applicant for Case #Z24-13 to**
93 **June 6, 2024, this being the final continuance for this case and the application and**
94 **renotification process will need to be restarted. Motion by Mr. Rich. Second by Mr.**
95 **LaRochelle. Motion passed unanimously.**

96
97

1. NEW APPLICATIONS

Case #Z24-23 Prospect Mountain Survey, Paul Zuzgo, LLS, Agent for Penny Williams, Owner	Map 8 Lot 3-3 332 Route 140	Variance Rural Zone (RU)
--	--	---

98 A **Variance** is requested from **Article 400 Section 401.3** to permit relief for a two (2) family
99 duplex on two (2) acres.

100
101

The Board reviewed the application for completeness.

102

103 **MOTION: To accept the applications for Case #Z24-23 as complete. Motion by Mr.**
104 **LaRochelle. Second by Mr. Rich. Motion passed unanimously.**

105

106 Mr. Williams stated they have owned the property for about 25 years; the surrounding property is
107 part of his gravel pit he has operated since 1985. He stated duplexes are allowed in the rural zone
108 but he wants to reduce the lot size to just 2 acres for the duplex to be able to sell it. Mr. Williams
109 stated they are working to move the gravel pit access off of this parcel. He stated the wetland
110 crossing will be removed and the portions of the wetlands restored to a single area. Mr. Thibault
111 confirmed the lot has a four bedroom septic design that was approved by NH DES; there is an
112 existing well. It was confirmed the duplex was created with state and town approvals.

113

114 Chair Lee opened the hearing to input from the public in favor of the application. None was
115 indicated.

116

117 Chair Lee opened the hearing to input from the public in opposition of the application. None was
118 indicated.

119
120 Chair Lee closed public input.

121 **Discussion – Case #Z24-23**

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

123 Chair Lee stated granting the variance **would not** be contrary to the public interest. He stated the
124 house is existing, it has a viable septic system and well; it is a two-family/duplex. The Board
125 agreed.

126 Mr. Rich stated the request **is** in harmony with the spirit of the ordinance and the intent of the
127 Master Plan to maintain the health, safety and character of the direct district within which it is
128 proposed. He stated the applicant has indicated there has been a duplex on the property for a long
129 period of time and this is to ensure that it complies with the zoning ordinances. The Board
130 agreed.

131 Mr. Manning stated that by granting the variance, substantial justice **will be** done. He stated he
132 doesn't see any harm in doing this. The Board agreed.

133 Mr. LaRoche stated the values of surrounding properties **will not be** diminished; he stated
134 there is no change in the structure or the traffic. There has been no evidence presented that would
135 indicate values would be diminished. The Board agreed.

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

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

143 Mr. Mankus stated the proposed use is reasonable. The Board agreed.

144 **MOTION: To grant request for variance for Case #Z24-23. Motion by Mr. LaRoche.**
145 **Second by Mr. Manning. Motion passed unanimously.**

146

Case #Z24-24 Johnathon Boutin & Jim Bonin, Agents for Jen Flohr, Owner	Map 10 Lot 6-4 Avery Hill Road	Special Exception Rural Zone (RU)
---	---	--

147 **A Special Exception** is requested from **Article 400 Section 401.D.24** to permit use for a
148 wellness center.

149
150 The Board reviewed the application for completeness.

151
152 **MOTION: To accept the applications for Case #Z24-24 as complete. Motion by Mr.**

153 **Mankus. Second by Mr. Manning. Motion passed unanimously.**
154

155 Mr. Boutin stated this lot is 2.74 acres; they are proposing to construct a wellness center; the
156 driveway and parking area take up a small percentage of the green space on the lot. He stated a
157 Site Plan will be submitted; he confirmed this lot is in the rural zone and the use is permitted by
158 Special Exception. Mr. Boutin stated the design of the building is such that it will be consistent
159 with the residential structures in the area; he stated all setbacks will be met and there will be
160 substantial wooded buffers. Mr. Boutin stated there were no concerns indicated by the
161 department head reviews. He stated there will be 17 parking spaces so there won't be any on-
162 street parking. It was confirmed there would be a sink, but no food would be prepared on site.
163 There will be no living space on the property of this wellness center. The hours of operation will
164 be 10:00 AM to 6:00 PM, seasonally five days per week and weekends during the winter. There
165 will be no overnight events, no activities or events outside.
166

167 Chair Lee opened the hearing to input from the public in favor of the application. None was
168 indicated.
169

170 Chair Lee opened the hearing to input from the public in opposition of the application.
171

172 Terry Rhineback, abutter, stated he doesn't have a problem with the wellness center today but he
173 is concerned about future uses and whether it could change into a rehab center. Mr. Rich
174 explained if there are any changes to the use of the property, the applicant needs to come back to
175 the Board for approval. Mr. Rhineback stated he does target shooting on his property and doesn't
176 want that to become an issue with the wellness center. He stated he is concerned about the
177 definition of a "wellness center" and how that could change if the property is sold. Ms. ?????
178 stated it is not a rehab or medicinal center. Mr. Mankus stated the specifics of the business will
179 be reviewed and approved by the Planning Board with the Site Plan review; he noted there will
180 likely be conditions as well that will limit the use being applied for.
181

182 Brad Hunter, resident, stated there is a lot of shooting and target practicing in the area and wants
183 to be sure it doesn't become an issue with the wellness center customers. He stated it seems like
184 the plans are for a quiet and serene place but the neighborhood can be loud at times with
185 everyday activities of a rural zone. He asked about the Zoning Board responsibilities regarding
186 providing relief to a hardship. Mr. Rich explained this application is for a Special Exception;
187 hardship criteria is part of a variance. Mr. Hunter asked why this would be permitted in this area
188 of town instead of another area. Mr. Manning explained the ordinance specifically addresses this
189 type of request with a Special Exception. Mr. Rich advised the applicant to discuss the concerns
190 raised with the abutters.
191

192 Chair Lee closed public input.

193 The Board worked through the Special Exception worksheet.
194

195 ***Discussion – Case #Z24-24***

196 *The Board must find that all the following conditions are met in order to grant the Special*

197 *Exception:*

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

200 Mr. Rich stated the specific site **is** an appropriate location for the use. He stated that even though
201 this is in a rural zone, the Master Plan encourages small businesses that are low impact. Mr.
202 Manning stated the Master Plan calls for businesses like this to be located in Town. The Board
203 agreed.

204

205 Mr. Manning stated that actual evidence **is not** found that the property values in the district will
206 be reduced due to incompatible land uses. No factual evidence was submitted to indicate values
207 would be diminished. The Board agreed.

208 Mr. LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He
209 stated there are concerns about residents and abutters regarding activities that have been done in
210 the area for many years such as hunting. Mr. Mankus stated he believes there is valid objection
211 regarding the concerns about approving the lot for a wellness center, health club, gym, etc., it
212 could open up the opportunity for bigger uses unless specific conditions are put in place. The
213 Board agreed.

214 Mr. Mankus stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic,
215 including the location and design of accessways and off-street parking as there is no off street
216 parking. Mr. Rich stated no facts have been presented to indicate there would be an undue hazard
217 or nuisance and the department heads have reviewed the proposal and have no concerns. The
218 Board agreed.

219 Chair Lee stated adequate and appropriate facilities and utilities **will** be provided to ensure the
220 proper operation of the proposed use or structure. He stated there will only be a sink and
221 refrigerator and no open kitchen type facilities or processing of food besides prepacked drinks
222 and snacks. The Board agreed.

223 Mr. Rich stated there **is** adequate area for safe and sanitary sewage disposal and water supply and
224 this is made clear in the proposal presented. The Board agreed.

225 Mr. Manning stated the proposed use or structure **is** consistent with the spirit of this ordinance
226 and the intent of the Master Plan. He stated this type of business is encouraged within the Master
227 Plan. The Board agreed.

228 Chair Lee stated the criteria passed unanimously for 7 of the 8 criteria; the remaining criteria
229 passed 4-1 in regard to abutter concerns.

230 **MOTION: To grant the request for a Special Exception for Case #Z24-24 with the**
231 **condition that it remain strictly a health wellness center as depicted by the application; it**
232 **shall not be a gym or health studio of any sort and the operation must abide by the details**
233 **presented in the application. Motion by Mr. Manning. Second by Mr. LaRochelle. Motion**
234 **passed unanimously.**

235

Case #Z24-25 Varney Engineering, LLC, Agent for Michael & Julie Harrison, Owners	Map 42 Lot 18 193 Trask Side Road	Variance Lakeshore Residential Zone (RU)
---	--	---

236 A Variance is requested from Article 300 Section 327.A.2 to permit a garage to be constructed
237 8'7" from the road set back.

238
239 The Board reviewed the application for completeness.

240
241 **MOTION: To accept the applications for Case #Z24-25 as complete. Motion by Mr.**
242 **Manning. Second by Mr. Rich. Motion passed unanimously.**

243
244 Tom Varney, Varney Engineering, LLC, stated the applicants would like to replace the existing
245 cottage with a new house and construct a garage; the new house will be a similar size to the
246 existing house and within the footprint of the existing cottage; the height is increased for added
247 storage. The new garage will be built with the driveway level to the house and will encroach 15
248 feet into the front building setback. A new septic system will be constructed; a new well will be
249 installed. A NH Shoreline Permit will be required. A survey of the lot was done, and photos of
250 the lot presented for review by the Board. Architect drawings of the proposed house and garage
251 were also presented. Mr. Varney stated there is a steep slope from the top to the bottom of the
252 lot; there is currently a cottage, driveway and outdated septic on the lot. He stated there are stone
253 steps and no rot in the existing retaining walls. He stated there is not currently a garage on the
254 lot; the proposed location is the only place for a garage due to the lay of the land. The new
255 garage will allow easier access and parking. Mr. Varney outlined the stormwater plans for the
256 new house; he stated the footprint of the house will not change but a second floor is added. The
257 garage will be 8.7 feet from the side property line; the variance is to put the house within the 25
258 foot setback. Mr. Varney stated the garage will be 25 feet from the edge of the pavement on
259 Trask Side Road. He stated the garage is in accordance with the Master Plan as it is necessary to
260 provide cover and access; he stated substantial justice will be done as the property is going to be
261 environmentally upgraded with a new septic system and well. He stated the values of
262 surrounding properties will not be diminished as the garage slab will be 12 feet below the grade
263 of the road and out of sight.

264
265 Chair Lee stated a letter was received from Jay Croteau, an abutter who was unable to attend the
266 meeting, and this was read into the record. Mr. Croteau indicated concerns regarding the 40% of
267 the building encroaching the front setback as well as infringement on the view of the lake from
268 his property across the road.

269
270 Ms. Ditri noted there are no heights indicated on the plans for the garage or the new house. Mr.
271 Varney stated the garage will be about 20 feet higher than the house due to the steep slopes of the
272 lot. He stated the abutters might see the garage but he isn't sure of the impact on the view. Mr.
273 LaRochelle stated the garage appears it will be significantly higher than the existing house so it
274 will impact a view. Mr. Varney stated the garage will be under 35 feet and within the ordinance.

275
276 Mr. Rich asked if the applicant has considered reducing the size to avoid encroachment and
277 remain within the setbacks, such as 24' by 24'. Mr. Varney stated he proposed that to the

278 applicant but the plans were already made for this garage. Mr. Rich stated he doesn't see the
279 hardship, noting this is a very small lot. Mr. Rich questioned why the garage has a second floor
280 and a deck with sliding doors. Mr. Varney stated everyone wants a larger garage; he doesn't
281 know why the plans include those. Mr. Manning agreed it looks like a residence. Mr. Rich
282 suggested they come back with revised plans or explanations for the details presented; he stated
283 he also questions if the proposed house is actually going to remain within the existing footprint.

284
285 Chair Lee stated the Board has approved similar variance requests however, those cases did not
286 involve objections from abutters who would have their view obstructed; he stated he understands
287 the nature of the elevation of the grade of the lot but they need to work to resolve some of the
288 concerns by abutters and the Board. He stated Mr. Varney can decide to move forward or request
289 a continuance. Mr. Varney stated he will talk with the applicant and come back with new plans;
290 he stated they would withdraw this application as he is not prepared to explain the details of the
291 application.

292
293 Chair Lee stated Case#Z24-25 has been withdrawn.

294

Case #Z24-26 Ethan Wood, Esq., Agent for John A Miles, Owner	Map 25 Lot 14 33 Baxter Place	Special Exception Rural Zone (RU)
---	--	--

295 **A Special Exception** is requested from **Article 300 Section 320.J** to permit the removal and
296 replacement of a manufactured housing unit.

297

298 The Board reviewed the application for completeness. Ms. Ditri noted there is no letter of
299 authorization for Mr. Heffernan. She noted there is no proposed and current conditions plans or
300 notes of an easement with the driveway.

301

302 **MOTION: To accept the applications for Case #Z24-26 as complete. Motion by Mr.**
303 **Mankus. Second by Mr. Manning. Motion passed unanimously.**

304

305 Ethan Wood, Esq., representative for the applicant, stated the applicant is seeking a Special
306 Exception to remove a rundown and dilapidated housing unit with a newer one. He stated a
307 corner of the existing structure is within the side setback and the new one would be placed
308 outside the setback; the rest of the property will remain the same.

309

310 Ms. Ditri noted there is no letter of authorization for Mr. Heffernan. She noted on the second
311 page of the staff report there are some proposed and current conditions such as an easement with
312 the driveway. Mr. Wood stated the current structure is a 12' by 60' mobile home on the property;
313 he confirmed a proposed conditions plan was submitted; he stated the only thing that is changing
314 is the mobile home being moved out of the side setback. He reiterated the replacement structure
315 will be the same size as the existing. Mr. Wood stated the driveway has been in place since the
316 early 1980s when the original mobile home was placed on it; there has been no litigation
317 regarding the access and the access is not changing. He stated there is no deed or easement for
318 the driveway and his clients have a valid legal claim to the location of the driveway on the basis
319 of adverse possession and they have been using it continuously for a period of time. Mr. Wood

320 confirmed that the survey of the lot was done by a licensed surveyor but the plans have not been
321 stamped yet but a stamped copy would be provided within 30 days.

322
323 Ms. Ditri stated they have other applications are coming before the Board regarding mobile
324 homes and those plans are very detailed as far as the size and location of existing and proposed
325 structures; she stated this application seems to have more generalized details instead of specific
326 details which are required. Mr. Wood stated his applicant has detailed plans which can be
327 submitted for the record. Ms. Ditri noted an email was sent to Mr. Wood on April 17 outlining
328 the required details. Mr. Wood stated he wasn't able to submit that information prior to this
329 meeting but the details will be forwarded.

330
331 Chair Lee stated the Board understands that the plans are to replace and move the mobile home
332 however this is a process that needs to be followed for the application; he suggested the Board
333 revisit the motion to accept the application. Mr. Wood stated the application has already been
334 accepted and suggested a continuance instead of reversing the prior motion. Chair Lee agreed
335 that a continuance is needed so that the required details can be submitted. The Board agreed.

336
337 Chair Lee stated Case #Z24-26 is continued to June 6, 2024.

338
339 **2. PUBLIC HEARING FOR ADOPTION OF TOWN OF ALTON ZBA BY-LAWS**
340 **AND APPLICATION APPEAL GUIDE AMENDMENTS**

341
342 Chair Lee read the public notice into the record and opened the public hearing at 7:48 PM.

343
344 The Board reviewed and discussed the changes to the by-laws.

345
346 **OTHER BUSINESS**

347 **1. Previous Business:**

348 **a. Review and discuss ZBA Decision Criteria Variances from the NHMA**

349 **2. New Business:**

350 **a. Discussion of 2024 election results**

351 **b. Discussion of 2024 Local Officials Workshop**

352 **3. Approval of Minutes:**

353 Meeting of February 1, 2024 - No edits were made. **MOTION: To approve the minutes as**
354 **presented. Motion by Mr. LaRochelle. Second by Mr. Manning. Motion passed**
355 **unanimously.**

356
357 Meeting of March 7, 2024 – Edits were made. **MOTION: To approve the minutes as**
358 **amended. Motion by Mr. Manning. Second by Mr. Mankus. Motion passed 4-0-1.** Mr.
359 LaRochelle abstained.

360
361 **4. Correspondence: None.**

362
363 **ELECTION OF OFFICERS FOR 2024-2025**

364

365 **MOTION: To nominate Mark Manning as Chair of the Zoning Board of Adjustment.**
366 **Motion by Mr. LaRochelle. Second by Mr. Rich. Motion passed unanimously.**

367
368 **MOTION: To nominate Tom Lee as Vice Chair of the Zoning Board of Adjustment.**
369 **Motion by Mr. LaRochelle. Second by Mr. Rich. Motion passed unanimously.**

370
371 **MOTION: To nominate Frank Rich as Clerk for the Zoning Board of Adjustment. Motion**
372 **by Mr. LaRochelle. Second by Chair Lee. Motion passed unanimously.**

373
374 **COMMITTEE ASSIGNMENTS**
375 **(ZAC and Master Plan Implementation Committee)**

376
377 **ADJOURN**
378 **MOTION: To adjourn the meeting. Motion by Mr. LaRochelle. Second by Mr. Rich.**
379 **Motion passed unanimously.**

380
381 The meeting was adjourned at 8:43 PM.

382
383 Respectfully Submitted,

384 *Jennifer Riel*

385 Jennifer Riel, Recording Secretary