

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, August 1, 2024, at 6:00 P.M.
Alton Town Hall**

MEMBERS PRESENT

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

OTHERS PRESENT

Norma Ditri, Code Enforcement Officer
Don Sorrentino, Agent
Sam & Esther Hollo, Managers
Allen Rosco, TF Moran, representative for the applicants
Arianna Cory, Esq.
David O'Neil, resident
John McCullough, abutter
Bernard Stolazi, abutter
Mike Elliott, resident
Ryan Heath, Town Administrator

CALL TO ORDER

Chair Manning 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

MOTION: To appoint Mr. Mankus to sit on the Board as a voting member for this meeting. Motion by Mr. Rich. Second by Mr. LaRochelle. 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 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.

APPROVAL OF AGENDA

Ms. Ditri stated Case #Z24-28 has been continued to September; Cases #Z24-29 and 30 have been withdrawn.

MOTION: To approve the agenda as amended. Motion by Mr. LaRochelle. Second by Mr. Mankus. Motion passed unanimously.

1. CONTINUED APPLICATIONS

Case #Z24-28 Shawn Dunphy, Esq. Agent for Steven Boccelli, Owner	Map 36 Lot 12 115 Mount Major Highway	Administrative Appeal Residential Zone (R)
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An Administrative Appeal is requested in reference to a letter regarding unpermitted Short

59 Term Rental.

60

61 *Continued to September 5, 2024.*

62

Case #Z24-29 Matthew Gongas, Owner	Map 34 Lot 19 3 Spring Street	Variance Residential Zone (R)
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63 A **Variance** is requested from **Article 300 Section 327.A.2** to permit the conversion and
64 expansion of a garage to primary residence within the 25-foot road setback.

65

66 *Withdrawn.*

67

Case #Z24-30 Matthew Gongas, Owner	Map 34 Lot 19 3 Spring Street	Special Exception Residential Zone (R)
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68 A **Special Exception** is requested from **Article 300 Section 320.H.3** to permit the conversion of
69 a garage to a primary residence with expansion of roofline and basement.

70

71 *Withdrawn.*

72

73 **2. NEW APPLICATIONS**

Case #Z24-33 TF Moran and Don Sorrentino, Agents and Applicant, for SEH Investments, Sam & Esther Hollo, Managers	Map 4 Lot 13 Frank C Gilman Hwy	Special Exception Rural Zone (RU)
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74 A **Special Exception** is requested from **Article 400 Section 401.A.7** to permit a Manufactured
75 Home Park Development in the Rural Zone.

76

77 Chair Manning read the public notice into the record. The Board reviewed the application for
78 completeness.

79

80 **MOTION: To accept the application as complete. Motion by Mr. LaRochelle. Second by**
81 **Mr. Rich. Motion passed unanimously.**

82

83 Allen Rosco, TF Moran, representative for the applicants, stated the lot is 87 acres in a rural
84 zone; he stated the property is nearly entirely wooded. The applicants are proposing a
85 manufactured home park with 40 individual lots; there will be dedicated community space with a
86 building, playground, parking, athletic fields and there will be walking trails throughout the
87 majority of the property. Mr. Rosco stated the zoning requires 2 acres per home but they will be
88 providing at least 10,000 square feet for the building envelopes for each lot as well as the 75 feet
89 of required frontage; the road will be built within accordance with zoning regulations. Mr. Rosco
90 outlined how this application meets the criteria for a Special Exception. There will be adequate
91 sewer and water with multiple common systems and the soil conditions are conducive to
92 providing an onsite well. All setbacks will be met for the individual lots; the overall density will
93 not exceed the zoning requirements. There will be a wooded buffer strip around the perimeter of
94 the property, at least 75 feet wide; the community space requirement will be met and in excess of
95 an acre. The manufactured homes will be in compliance with housing and urban development
96 standards; the park will be under single ownership, Mr. Sorrentino. About 15 acres of the 87 will
97 be occupied with the home lots. Mr. Rosco confirmed this is not a mobile home park and there
98 will be no age restrictions. He stated they don't believe the development will have a negative
99 impact on property values; it will be a tasteful, low density approach to development;
100 certification from a registered appraiser was provided, indicating there will be no diminution of
101 surrounding values. Mr. Rosco stated all driveways will be off of the newly created road, with a
102 single entrance to Frank Gilman Highway. He stated it will meet the criteria to meet the intent of
103 the Master Plan; it will be a small community homes and will provide a variety of affordable
104 options that are needed in town as there is a demonstrated need.

105

106 Mr. LaRochelle asked how close the proposed houses will be to abutting properties. Mr. Rosco
107 stated the houses will be no closer than 150 feet to the abutting lots.

108

109 The site distance for the roadway access will be further analyzed and a full survey will be done
110 when they are sure this project is viable; a NH DOT permit will be required.

111

112 Mr. Rich asked the proposed size of the homes. Mr. Rosco stated all homes will be double wide

113 units, with 2 baths, 3 bedroom designs. The footprints will be approximately 50 feet by 28 feet.

114
115 Mr. Rich questioned the vehicle trip calculations, particularly with regards to the housing
116 potentially having kids and teenagers or young adults. Mr. Rosco stated they utilized the ITE trip
117 generation standards for this type of development and community. Mr. Rich stated it's
118 reasonable to expect there would be at least 2 cars per home.

119
120 Mr. Rich asked if there will be an association. Mr. Rosco stated there will be no association;
121 there will be contract leases for each home; none of the homes or lots will be sold individually.
122 The road will be about ½ a mile in length.

123
124 Mr. LaRoche stated the only department comments received were from the Planning Board,
125 indicating a Site Plan and subdivision approval will be required; a NH DES approved septic
126 design will also be required.

127
128 Mr. Rich asked if they have discussed the plans with any neighbors. Mr. Rosco stated he
129 discussed this with the Hollos, who are selling the property; all concerns have been addressed
130 and they are not opposed, as they will be abutters to the project.

131
132 Chair Manning opened the hearing to input from the public in favor of the application. None was
133 indicated.

134
135 Chair Manning opened the hearing to input from the public in opposition of the application.

136
137 David O'Neill, abutter, stated he is concerned about the traffic impact; he stated it is a very busy
138 road with a high speed of travel; he stated is concerned about the homes being rentals. Mr.
139 O'Neill also has concerns about water runoff, as his property already has runoff from this
140 property.

141
142 A resident of Frank Gilman Highway stated he is also concerned about the amount of water from
143 the lot, which is swamp and beaver pond; he stated the water came from this property last year
144 and wiped out portions of Route 140 as well as both of his driveways; Coffin Brook Road was
145 also washed out by this. Mr. Rich asked the resident to show his property on the maps.

146
147 A resident expressed concerns about the homes being occupied by renters as opposed to owner-
148 occupied; he stated they won't worry about ruining things if they are just renters.

149
150 A resident outlined the location of this lot in relation to other lots and the affects the water runoff
151 from this property has had in recent years, flowing on to other properties and causing damage.

152
153 John McCullough, abutter, stated he finds it odd this won't be an association and asked what
154 happens when the septic systems fail, who pays for it. He stated he believes the density is too
155 much; he has hunted the property for many years, and he knows that the places on the map
156 indicating "well drained soil", is actually ledge. Mr. McCullough stated the location of the
157 proposed entrance to Route 140 is an accident waiting to happen; he has lived here for over 30
158 years and its too much density in a rural area.

159
160 Mr. Rich explained the criteria the Board has to follow; he stated many of Mr. McCullough's
161 concerns are Planning Board issues; he stated the proposed plans are for private development,
162 however it has not been decided whether the road will be private. Mr. Rosco confirmed that at
163 this time, the proposal is for a private road, but the road will have to be built to the Town's
164 standard.

165
166 A resident abutter on Route 140, stated that they won't be able to regulate the number of kids in
167 the homes so this could create an issue with school busses stopping on Route 140 as well; she is
168 also concerned about people coming from the development and walking on their property. She is
169 also worried about kids playing in the road and wandering to abutting properties.

170
171 Bernard Stolazi, abutter, stated there is about 1000 feet of frontage per house existing on Route
172 140; but this proposal has 40 units in 1000 feet.

173
174 Mike Elliott, resident of Dudley Road, asked if there can be further development on this lot.

175 Chair Manning explained the proposal being presented can be limited if handled appropriately by
176 the Board; there may be conditions on an approval. He stated he is also concerned about the
177 traffic impact, but he understands the need for affordable housing to keep the younger
178 generations here.

179
180 A resident stated that to protect the Town and taxpayers, there should be a bond requirement for
181 the road, leach fields and wells.

182
183 Chair Manning opened the hearing to rebuttal from the applicant.

184
185 Mr. Rosco stated this project will have a single point of contact, Mr. Sorrentino; all the roadway
186 elements and utilities will be reviewed in depth by the Planning Board and there will be bonding
187 requirements. He stated the private road will be built to Town standards, but the maintenance
188 responsibility will be on Mr. Sorrentino. Mr. Rosco stated they will be required to analyze
189 drainage and septic impacts with the Planning Board. He stated there are wetlands at the top and
190 bottom of the property that can be utilized for discharge points so no further points would be
191 needed for that. Mr. Rosco stated in regard to traffic, there will be oversight with NH DOT.

192
193 Mr. Sorrentino addressed concerns regarding these homes being rental properties; he stated he is
194 currently an abutter to the property, and he will personally manage the development with his
195 wife. He stated the next case is for a variance to allow one of the lots to be used for his residence;
196 he stated these will not be entry level homes so won't be extremely cheap but will be more
197 affordable than buying a house. Mr. Sorrentino stated these will not be HUD or low income
198 houses. He stated they have 15 years of managing properties; he doesn't expect it will be a
199 problem of having kids playing in the road on Route 140. Mr. Sorrentino stated he doesn't have
200 any plans for further future development; he stated this fits nicely in the rural zone and he
201 doesn't want to encroach on any buffers or excessively clear trees.

202
203 Chair Manning asked Mr. Sorrentino if he would be opposed to a restriction of tying a road into
204 Dudley Road. Mr. Sorrentino stated he is not; there are no intentions of having other entrances or
205 exits.

206
207 Mr. Rich noted there is only 85 acres for 40 lots; the lots will meet the minimum lot size
208 requirements so all the density will be used with this development. There will be only one road
209 into the development.

210
211 Chair Manning asked what would be involved with making these separate properties with
212 regards to the septic systems. Mr. Sorrentino stated they are trying to be as cost effective as
213 possible; there will be multiple septic systems and all the wastewater won't be in one spot.

214
215 Chair Manning closed the public hearing.

216
217 ***Special Exception Discussion – Case #Z24-33***

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

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

223 Mr. Lee stated the specific site **is** an appropriate location for the use. He stated the site is open to
224 many opportunities and the applicant has stated they will keep trees, buffers, an added retention
225 pond; it is within the criteria and an appropriate location for the use. Mr. Rich stated there are
226 other things that could go on this site that might not be as conducive to the abutters and
227 neighbors. The Board agreed.

228 Mr. Rich stated that actual evidence **is not** found that the property values in the district will be
229 reduced due to incompatible land uses. No demonstrable facts have been brought forward by
230 abutters or anyone else other than an appraisal from the applicant. Mr. Morgan stated the
231 applicant presentation does not show an incompatible use. Mr. LaRochelle stated this will be
232 usable and improve the development of the area and values won't be diminished. Chair Manning
233 stated no evidence was submitted to indicate values would be reduced. The Board agreed.

234 Mr. Morgan stated there were valid objection from abutters but those were adequately addressed

235 by the applicant and so he doesn't believe there was a valid objection based on demonstrable
 236 fact. Mr. LaRochele stated there were many concerns but those were addressed and can be
 237 corrected with conditions to ensure these are addressed. Mr. Mankus stated the main concern is
 238 drainage, but a study will be required to address that. Chair Manning suggested that when this
 239 issue is before the Planning Board, there will be more data and information to be considered to
 240 move forward. The Board agreed.

241 Mr. LaRochele stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular
 242 traffic, including the location and design of access ways and off-street parking. He stated a traffic
 243 impact study was done and there won't be any parking on Route 140. There is adequate parking
 244 for each home; the road will be built to Town and State standards. Mr. Morgan suggested that if
 245 this application is approved, there be a condition for a permit from NH DOT for the driveway, be
 246 in place before the application goes before the Planning Board. Mr. Mankus suggested approval
 247 also include a condition that there is no access to Dudley or Tibbetts Road. The Board agreed.

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

250 Chair Manning stated there **is** adequate area for safe and sanitary sewage disposal and water
 251 supply. Mr. Morgan stated NH DES permits will be required. The Board agreed.

252 Mr. Lee stated the proposed use or structure **is** consistent with the spirit of this ordinance and the
 253 intent of the Master Plan. Mr. Rich stated the Town needs this kind of development, when done
 254 correctly. Mr. Morgan stated it provides the housing that is needed in line with the Master Plan.
 255 The Board agreed.

256 **MOTION: To approve application Case#Z24-33 with the following conditions:**

- 257
- 258 • **The required NH DOT permit for the exit on and off Route 140 be obtained.**
- 259 • **There will be no access to Tibbetts Road and Dudley Road.**
- 260 • **NH DES permits be obtained for the septic and sewer disposal systems.**
- 261

262 **Motion by Mr. Morgan. Second by Mr. LaRochele. Motion passed unanimously.**

263

<p>Case #Z24-34 TF Moran and Don Sorrentino, Agents and Applicant, for SEH Investments, Sam & Esther Hollo, Managers</p>	<p>Map 4 Lot 13 Frank C Gilman Hwy</p>	<p>Variance Rural Zone (RU)</p>
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264 **A Variance** is requested from **Article Section 452.A.1** to permit an additional residential lot to
 265 be reserved for a single family dwelling in a Manufactured Home Park.

266
 267 Chair Manning read the public notice into the record. The Board reviewed the application for
 268 completeness. Mr. Morgan noted there is no written authorization for legal counsel. Mr.
 269 Sorrentino indicated that Ms. Cory is authorized to represent him in this matter.

270

271 **MOTION: To accept the application for Case #Z24-34 as complete. Motion by Mr. Lee .**
 272 **Second by Mr. Morgan. Motion passed unanimously.**

273

274 Arianna Cory, Esq., representative for the applicant, stated per the proposal for the special
 275 exception, all the density is used and they are requesting a variance to allow a single family
 276 home lot be included in the plan. Maps and plans were presented for review. Ms. Cory stated the
 277 lot is large and could accommodate the residential lot; she stated the Sorrentinos have lived in
 278 Alton for many years and would like to remain there. She stated the variance is not contrary to
 279 the spirit of the ordinance, the values of surrounding properties will not be diminished, and literal
 280 enforcement of the ordinance would result in an unnecessary hardship.

281

282 Ms. Cory stated the lot will not be overcrowded and a single family home s a permitted use in the
 283 zone. She stated it will have a heavily wooded buffer zone, with the nearest abutter a couple
 284 hundred feet away from this residence. Ms. Cory referenced decisions by the NH Supreme Court
 285 to support having a single family home residence join the manufactured home park. She stated
 286 the proposal for the additional single family resident lot avoids maximizing buildout potential for
 287 the area and allows for a large single family lot for the Sorrentinos to live there; it would not
 288 contribute to overcrowding concerns. She stated she believes the intent of the ordinance is to
 289 permit additional single family residences where the lot can accommodate it. Ms. Cory stated

290 granting the variance request would not contribute to any harm to the public. She stated
291 substantial justice would be done and it would be a hardship to deny the request as a lot of
292 money has been invested by Mr. Sorrentino to get to this point. She pointed out that a report was
293 submitted, indicating the professional opinion of an assessor that surrounding properties would
294 not be negatively impacted. Literal enforcement and denying the variance would result in
295 unnecessary hardship; Ms. Cory stated there are some wetlands and ledge on the property as well
296 as a vertical rise to be considered when developing the parcel and this has all been considered by
297 Mr. Sorrentino. She asserted the proposed use is reasonable and will maintain the rural
298 community characteristics.

299
300 Mr. Rich clarified that the proposal is for one of the forty lots will be the residential lot, it will be
301 just over 25 acres for a single family home. The overall density does not change, and no further
302 development will be permitted.

303
304 Mr. LaRochelle has concerns about the driveway for this house and wants to ensure it will be
305 adequate for emergency vehicles. Mr. Rosco stated the approximate length of the driveway
306 would be about 600 feet; a circle could be added at the end for turn around.

307
308 Chair Manning questioned if twenty-five acre lot was sold, it would still be further subdivided.
309 Mr. Morgan indicated concern as well. Ms. Cory stated there are no intentions to do so now but
310 that would not be an appropriate criterion for considering the variance at hand. Chair Manning
311 agreed it is beneficial to have the manager "on site" but is also concerned about having more
312 mobile homes in the future. Mr. Sorrentino doesn't believe it's a valid concern because a
313 variance is already for a single family home. Mr. Morgan stated it would create a violation of the
314 ordinance as well as the approval of the special exception to permit further development. Mr.
315 Rich stated any further development would be in violation of the special exception approval for
316 40 lots on 80 acres.

317
318 The Board discussed whether a variance is needed for the frontage on the private road. Ms. Ditre
319 noted the ordinance does not indicate what type of road the frontage must be on.

320
321 Chair Manning opened the hearing to input from the public in opposition to the application.

322
323 Ryan Heath, Town Administrator, provided clarification regarding the subdivision; he stated per
324 the ordinance, there would be defined parameters, and the subdivision would be in the sense of a
325 condominium as there would not be subdividable lots that could be individually sold; it would be
326 a different situation if each home and lot could be sold separately. It was clarified that the intent
327 of the application is for a mobile home park, with the land remaining part of a single parcel;
328 there would be limited common areas with fields and courts. Mr. Heath explained that
329 subdivision of the lots also has specific acreage and frontage requirements. Mr. Rich stated he is
330 understanding the proposal that the parcel for the single family residential home is on one of the
331 forty lots. The Board agreed. Mr. Sorrentino stated that is correct; he asked if the road is turned
332 over to the Town, would that frontage then be on a Town road. He doesn't want the single family
333 home being required to be sold with the entire mobile home park. Chair Manning stated if the
334 twenty-five acres is taken from the lot, the mobile home park doesn't fit; he suggested to fit all of
335 it, the single family home could be on a four acre lot. After discussion, Mr. Sorrentino asked to
336 continue with the variance, with the single family home portion remaining part of the entire
337 parcel.

338
339 Chair Manning closed the hearing to input from the public.

340 ***Discussion Case #24-34***

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

342 Chair Manning stated granting the variance ***would not*** be contrary to the public interest. Mr.
343 Morgan stated the request is not a gross deviation from the ordinance so it is not contrary. The
344 Board agreed.

345 Mr. Lee stated the request ***is*** in harmony with the spirit of the ordinance and the intent of the
346 Master Plan to maintain the health, safety and character of the direct district within which it is
347 proposed. The Board agreed.

348 Mr. Rich stated that by granting the variance, substantial justice ***will be*** done. He stated the
349 justice is that the applicant is taking one of the forty lots to put his home there so he can manage

350 the mobile home park; it would be an injustice to not allow the applicant to build his home on the
351 property with the condition it is sold as one parcel. Mr. Morgan stated the benefit to the applicant
352 outweighs any detriment to the Town. The Board agreed.

353 Mr. Morgan stated the values of surrounding properties will not be diminished. He stated no
354 information was submitted to indicate values would be diminished but a study was provided to
355 indicate that values would not be diminished. The Board agreed.

356 Mr. LaRochelle stated that for the purposes of this subparagraph, “*unnecessary hardship*” means
357 that, *owing to special conditions of the property that distinguish it from other properties in the*
358 *area:*

359 i. *No fair and substantial relationship exists between the general public purposes of*
360 *the ordinance provision and the specific application of that provision to the*
361 *property;*

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

363 Mr. LaRochelle stated to deny this variance would impose a hardship; the use is reasonable. He
364 stated the topography of the lot is challenging and the applicant wants to put his own home on
365 the property to manage the park. Mr. Morgan stated the purpose of the ordinance is to prevent
366 overcrowding and to control density; the proposal does that. The Board agreed.

367
368 **MOTION: To approve the application for Case #Z24-34. Motion by Mr. Rich. Second by**
369 **Mr. LaRochelle. Motion passed unanimously.**

370
371 **OTHER BUSINESS**

372 **1. Previous Business:** None.

373 **2. New Business:** None.

374 **3. Approval of Minutes:**

375 Meeting of June 20, 2024 – No edits were made. **MOTION: To approve the minutes**
376 **as amended. Motion by Mr. LaRochelle. Second by Mr. Mankus. Motion passed**
377 **unanimously.**

378
379 Meeting of July 11, 2024- Edits were made. **MOTION: To approve the minutes as**
380 **amended. Motion by Mr. LaRochelle. Second by Mr. Rich. Motion passed**
381 **unanimously.**

382
383 **4. Correspondence:** None.
384

385 **MOTION: To adjourn the meeting. Motion by Chair Manning. Second by Mr. Rich.**
386 **Motion passed unanimously.**

387
388 The meeting was adjourned at 8:24 PM.

389
390 Respectfully Submitted,

391 *Jennifer Riel*

392 Jennifer Riel, Recording Secretary