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**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, January 8th, 2026, at 6:00 PM
Alton Town Hall**

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MEMBERS PRESENT

8 Frank Rich, (Acting Chair)
9 Tom Lee, Vice Chair
10 Paul LaRochelle , Member & Selectman’s Representative
11 Tim Morgan, Clerk
12 Joe Mankus, Member

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OTHERS PRESENT

15 Norma Ditri
16 Joe Berry
17 Bob Regan
18 Erica Regan
19 Bill Smethurst
20 Ann Smethurst
21 Tom Fry
22 Paul Zuzgo
23 David Countway
24 John Keslar
25 Nathan Burke
26 Sandra Hammond
27 Reed Garvin

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CALL TO ORDER

30 Chair Rich, Acting Chair, called the meeting to order at 6:03 P.M.

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APPOINTMENT OF ALTERNATES

33 No alternates present

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STATEMENT OF THE APPEAL PROCESS

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

1 **APPROVAL OF AGENDA**

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3 **MOTION: To APPROVE the agenda as it is written. Motion by Mr. LaRochelle. Mr.**
4 **Morgan SECONDS. Motion passed unanimously.**

5 1. **NEW APPLICATIONS**

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| Case #Z26-01 Berry Engineering, Chris Berry, Agent for The Regan Family Revocable Trust, Robert Regan Trustee | Map 62 Lot 2 45 Indian Shore Road | Variance Lakeshore Residential Rural (LR) Zone |
|--|---|--|

6 A **Variance** is requested from Article 300 Section 320 E.2 of the Zoning Ordinance to permit the
7 replacement and expansion of a non-conforming structure.

8 **MOTION: To ACCEPT Case #Z26-01 as Complete. Motion by Mr. Morgan. Mr. Mankus**
9 **SECONDS. Board votes unanimously.**

10 Mr. Berry stated the lot being discussed is .7 acres. He stated it has an existing home and
11 detached garage. He stated the structure is non-conforming because it is too close to the water.
12 He stated the parties would like to demolish the existing structure down to the foundation,
13 rebuild on that, while expanding away from the lake. He stated a variance is needed due the
14 increase in square footage of the home. He stated the addition being proposed will meet all of
15 the applicable setbacks and the footprint by the water will not change at all.

16 ??? has had a shoreline permit approved by the State, septic approved by the State and that was
17 done by Norway Plains and that is why they were on the abutters list.

18 Mr. Lee asked if the property will be less non-forming. Mr. Berry stated that the non-conformity
19 will not get any larger. He stated the deck will be built in the same location, on the same
20 foundation. Mr. LaRochelle asked whether the existing garage will be demolished. Mr. Mankus
21 asked if a new foundation would be used. Mr. Berry stated the existing foundation would be
22 used. Mr. Mankus asked if the height would be the same. Mr. Berry denied.

23 Mr. Regan stated the height would increase. He stated another story would be added to the
24 house. He stated it is within the 35 ft. requirements. Chair Rich asked for the height. Mr. Berry
25 answered off mic.

26 Mr. Lee asked about the shed and the side set back.

27 Chair Rich asked about the additional square footage. He stated it looked as though something
28 was added. Mr. Berry stated that that was part of the addition. He stated that there's an addition
29 that is not on the original foundation. Mr. LaRochelle asked about the footings for the deck.

30 Mr. Berry stated that granting the Variance **will not** be contrary to public interest. The public
31 interest with respect to these sections is to ensure there is no overcrowding of each lot within the
32 area and protection of the surface water to the extent possible as can be seen on the enclosed
33 plan, the proposed building is no closer to the reference line than the existing structure currently
34 on the lot. The same foundation and footprint will be utilized for the existing house location and
35 proposed deck will also match the location and shape of the existing deck. The general public
36 interest test is measured and compared to the idea of the project markedly changes the essential

1 character of the neighborhood. In this case the lot already contains an existing structure, and the
2 proposed replacement will not change the character of the neighborhood. In addition, public
3 interest is satisfied by the issuance of all required State permits.

4 Chair Rich agrees. Mr. Morgan agrees. Mr. Mankus agrees that it does not make a dramatic
5 change to the neighborhood. Mr. LaRochelle agrees. Chair Rich stated the request is in
6 harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan with the
7 convenience, health, safety and character of the district within which it is proposed.
8

9 Mr. Berry stated that #2 granting the variance would be consistent with the spirit of the
10 ordinance. The spirit of the ordinance is to ensure uniformity with the abutting lots as they
11 pertain to space and bulk standards. In this case the existing nonconformity will not be
12 increased, and the addition and garage will meet all applicable setbacks. As such the proposal
13 upholds the intent and spirit of the ordinance by improving alignment with zoning standards and
14 improves the health, safety and wellness of the general public.
15

16 Granting the variance would do substantial justice. The benefit to the applicant far outweighs
17 any potential detriment to the ordinance by allowing the applicant to build a new home that will
18 not increase the non-conformity of the existing structure. The sites' storm water quality is also
19 improved with the implementation of low impact development devices which is in line with the
20 NHDS shoreline program as well as a new effluent disposal system situated further from the
21 lake. NHDS has already acquired and approved these types of proposed improvements on this
22 site. Granting the variance will not result in diminution of the surrounding property values. The
23 surrounding property values will not be diminished in value by the construction of a new home.
24 The lot is already fully developed, and the use is permitted within the zoning district. This is
25 residential use in a residential zone replacing the existing structure with a reasonably sized new
26 home which does not increase the existing non-conformity, will enhance the overall appearance
27 of the neighborhood thereby maintaining neighborhood property values. Special conditions exist
28 such that little enforcement of the ordinance will result in unnecessary hardship to the applicant
29 as defined under applicable law. This partial presents a special condition due to its existing non-
30 conforming status and the placement of the current non-conforming structure in relation to their
31 reference line. There is no increase in footprint that is permitted under the ordinance and
32 therefore it is reasonable to request minor increases that fall completely within the required
33 setbacks. In this case denial will cause an unnecessary hardship to the applicant by not allowing
34 any consolidation with reasonable expansion. This use is a reasonable one as this use is
35 permitted in the zone and is no more non-conforming than the existing state.
36

37 Mr. Lee asked if anyone was abutting the property at the very rear. Mr. Regan stated that there
38 was but on the other side of the street. Chair Rich asked if there would be any impact in terms of
39 their view. Mr. Regan stated that the closer you are to Indian Shore Road there's an edge that
40 goes up and it is woods and trees. Chair Rich asks if there are any more questions from the
41 Board.
42

43 Chair Rich opened to public input. He asked if anyone would like to speak in favor of this
44 application.
45

1 Mr. Nathan Burke spoke briefly stating his approval.

2

3 Mr. William Smethurst, 51 Indian Shore Road. He stated he had no problem at all and believed
4 it would be a great thing.

5

6 Mr. Regan stated that The Soucy's had written a statement for them to read because they could
7 not attend the meeting. Chair Rich reads the statement for the record. He stated that Alan Soucy
8 from Advanced Precision Engineering stated the following: "To whom it may concern, we have
9 no concerns and approve the house plans that the Regan's have shared with us. Sincerely, Alan
10 and Christine Soucy."

11

12 Chair Rich asks if anyone else would like to speak in approval of this application. Chair Rich
13 asks if anyone is opposed. He closed the meeting to public input.

14

15 Ms. Ditri asked a question regarding the site plan. She stated that it looked like the leach field
16 may be across Indian Shore Road and they owned the property as well. She stated she did not
17 know who owned the road. Mr. Regan stated that the road dissects the properties. He stated that
18 the section of roadway he's responsible for there is an easement for access to that road. Ms. Ditri
19 asked if there were any issues with them digging things up or blocking off traffic. He stated that
20 there would be a pipe they would have to figure out, but there is access from both sides. Ms.
21 Ditri stated that there have been issues previously with other lots set up the same way. She stated
22 that they would like to look at it beforehand.

23

24 Chair Rich asked if Indian Shore Road is a Town road or an association road. Mr. Regan stated it
25 is an association road, private road. Mr. Regan stated that they own the road, but the boundary
26 line goes through a section of the road on each side. Mr. Regan stated he needs to keep the road
27 plowed and make it accessible for people to go to the east and west of. He stated they would be
28 sure to be expeditious in digging and laying that pipe.

29

30 Chair Rich began working on the worksheet.

31

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

33

34 Mr. Morgan stated that the variance **will not** be contrary to the public interest. He stated this is
35 not a gross deviation from the neighborhood as it exists, it's simply improving a residence in a
36 residential area. Mr. Mankus agrees. Chair Rich agrees. Mr. LaRochelle agrees. Mr. Lee
37 agrees.

38

39 Mr. Mankus stated that in the spirit of the ordinance the request **is** in harmony with the spirit of
40 the Zoning Ordinance and the intent of the master plan and with the convenience, health and
41 safety and character of the district within which it is proposed. He stated it would bring it up to
42 the current codes improving the neighborhood. Chair Rich agrees. Mr. Lee agrees. Mr.
43 LaRochelle agrees. Mr. Morgan agrees.

44

1 Chair Rich stated substantial justice by granting the Variance substantial justice **will** be done. He
2 stated the applicant had spent a ton of money trying to improve the property on something that
3 was non-conforming and it has been very consistent. He stated they are putting in a new septic
4 system, it is across the road, but it will substantially increase the substantial justice and they're
5 not making it any more non-conforming. He stated that it is very important to this Board. Mr.
6 Lee agrees. Mr. LaRoche agrees. Mr. Morgan agrees the benefit to the applicant far outweighs
7 any detriment to the Town of Alton. Mr. Mankus agrees.
8

9 Mr. Lee stated that the request **will not** diminish the value of surrounding properties. He stated
10 just the opposite. He stated the plans, the details, and the structure look beautiful. He stated that
11 it fits into that neighborhood on the lakefront with the other homes and looks very similar. He
12 stated it would not decrease the values of the surrounding properties. Mr. LaRoche agrees.
13 Mr. Morgan agrees. Mr. Mankus agrees. He states that they are taking a beautiful home and
14 making it more beautiful. Chair Rich agreed and stated that there is no demonstrable fact of any
15 values being deteriorated. He stated the abutting homeowners are excited about this new
16 building and home going up.
17

18 Mr. LaRoche stated that for the purposes of sub paragraph unnecessary hardship means that
19 owing to Special Conditions of the property that distinguish it from other properties in the area,
20 **no** fair and substantial relationship exists between the general public purposes of the ordinance
21 provision and the specific application of that provision to the property. He agrees. He also stated
22 the proposed use is a reasonable one. He stated that he feels this is a unique property and it's the
23 uniqueness of the slope and trying to make it a more conforming property that this request is a
24 reasonable one. Mr. Morgan agrees that the request is a reasonable one, proposed use is
25 reasonable and the hardship here really stems from the fact that this was built in the setbacks
26 prior to the current ordinances and not much can be done about that. Mr. Mankus agrees. Chair
27 Rich agrees. Mr. Lee agrees.
28

29 **MOTION: To APPROVE the Variance for Case #Z26-01, Article 300 Section 320 E.2 of the**
30 **Zoning Ordinance. Motion by Mr. Morgan. Mr. Mankus SECONDS. Board votes**
31 **unanimously.**
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| Case #Z26-02 Thomas E. Fry 1992 Trust, Thomas D. Fry, Trustee | Map 21 Lot 38 47 Stage Coach Road | Variences & Equitable Waiver Rural (RU) Zone |
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- 33 1. **A Variance** is requested from Article 400 Section 452 A.1 of the Zoning Ordinance to
34 permit the subdivision of a lot less than the required two (2) acres.
35 2. **A Variance** is requested from Article 400 Section 452 B of the Zoning Ordinance to
36 permit the subdivision of a lot less than the required 200' of road frontage.
37 3. **A Variance** is requested from Article 300 Section 360 of the Zoning Ordinance to permit
38 a lot with a non-habitable structure as the principal building on a lot.
39 4. **An Equitable Waiver** for Article 300 Section 327 A.4 of the Zoning Ordinance to
40 provide relief for the existing garage which encroaches 13' into the side setback.

1 **MOTION: To ACCEPT Case #Z26-02 Thomas E. Fry 1992 Trust, Thomas D. Fry, Trustee**
2 **for Map 21 Lot 38, 47 Stage Coach Road as Complete. Motion by Mr. LaRochelle. Mr.**
3 **Morgan SECONDS. Board votes unanimously.**

4 Chair Rich stated a Variance is requested for Article 400 Section 452 A1 of the Alton Zoning
5 Ordinance to permit the subdivision of a lot less than required two (2) acres.

6
7 Mr. Fry stated with regard to first variance, the original property the way it is now is 206 acres.
8 He stated they also have the abutting properties as well that house the public access for the
9 Knight's Pond conservation area. He stated his mother passed away earlier in the year and its not
10 reasonable and financially feasible to keep the homestead. He stated the conservation area has
11 been in the family for 87 years. He would like to subdivide the home away from the existing or
12 remaining 206 acres. He stated he would end up with one large lot of 205 acres and then a 1-acre
13 subdivision.

14
15 He stated when the conservation easement was done in the late 80s, he thinks there was a lack of
16 forward thinking that maybe someday someone would want to subdivide the home away from
17 the property. He stated George Christenson had done a great job with the surveying at the time
18 and at the time it probably met the zoning requirements.

19
20 There were two acres held out of the conservation easements around the house which is what you
21 see right here. He stated what he would like to do is cut that two acres in half and end up with
22 1.04 acres which would be the house and the two attached garages. He stated this would result in
23 it being a standalone building on the 205 acres.

24
25 He believes it meets the spirit and intent of the zoning because he's not trying to subdivide ten
26 acres into ten different lots. He just wants to be able to subdivide the house away from the rest
27 of the property to be able to try to preserve and maintain the conservation property. He stated it
28 doesn't seem reasonable to try to hold onto the house as well, so he would like to subdivide the
29 home away from the rest of the property.

30
31 Mr. Lee stated that if he left it as a two-acre lot he would not need this variance. He stated the
32 exception is that he wants that barn. Mr. Fry agreed. He stated that the intent behind that is that
33 building he uses to store and maintain the equipment that takes care of the conservation property,
34 the public access road, the trail system around the pond and all of that. He stated he does not
35 have another place to store and maintain the equipment that does that. He stated he has a mini
36 excavator, tractor, backhoe, dump trucks. He stated that the Town manages the fund. He stated
37 that they provided a fund that was required by the State when they did the conservation
38 easement. He stated he is required by the State to maintain the trail system and the public access
39 to the pond itself. Mr. Mankus stated that that is Mr. Fry's maintenance shed. Mr. Fry agreed.

40
41 Mr. Morgan stated that it appeared from the abutters list that the hardship is that Mr. Fry is
42 landlocked by a conservation easement. He stated it looks like the conservation easement is in
43 favor of Fish and Game, is that right? Mr. Fry agreed that it is overseen by Fish and Game. Mr.

1 Morgan asked if Mr. Fry is a steward of the property but Fish and Game has oversight of that
2 stewardship as well.

3
4 Mr. Zuzgo stated that he approached Fish and Game about the easement to see if it could be
5 rearranged because Mr. Fry has 13 acres down the road that's not an easement also. Mr. Morgan
6 asked if it abuts the easement. Mr. Zuzgo stated it is part of the 206 acres. He stated there are
7 two areas that are not in the easement. He stated there are two acres with the house and 15 acres
8 along Rinds Road that's not in the easement. He stated that a few years ago he subdivided two
9 acres off of that. He stated he could subdivide the rest of the 13 acres if he wants to. He stated
10 that because the house is on the two acres Mr. Zuzgo thought they could rearrange it, give them
11 land from the 13 acres, but they said that would take an act of God to do.

12
13 Mr. Morgan asked if that would be the case even if Mr. Zuzgo did the surveying. Mr. Zuzgo
14 stated that it would be the case even if he did the surveying. Mr. Zuzgo explained that that is the
15 hardship, not being able to move the two acres around the house. Mr. Morgan stated that was
16 why he asked the question. Mr. Fry stated that they had tried that at first. He stated that the State
17 seems to be very inflexible on the matter.

18
19 Mr. Zuzgo stated that it is in the Deed that you can't subdivide that easement at all which would
20 have to be subdivided in order to rearrange it.

21
22 Chair Rich stated that they were giving a variance for a one-acre lot. Mr. Zuzgo stated in a two-
23 acre zone. Chair Rich asked why the applicant wouldn't sell it with the condition that one acre is
24 utilized for the barn. Mr. Zuzgo asked if he meant something like an easement. He stated that he
25 thought a lot of legal problems would come from that. Liability for the homeowner. He stated it
26 would be a new homeowner and he would have an easement to use the barn. He stated it was
27 possible. Mr. Zuzgo stated that the way the lot is now it meets State subdivision requirements,
28 lot loading. Chair Rich asked where the septic system was. Mr. Fry explained it falls within one
29 acre. He stated the well and the septic system are all within the lines of that one acre.

30
31 Chair Rich opened to public input.

32
33 Ms. Hammond reviews the site map. Chair Rich asks whether she is in favor or not.

34
35 Mr. Countway, 1748 Wolfeboro Highway. He stated his property abuts the Fry property and they
36 have been friends with the family for over 50 years. He is in agreement with the proposal.

37
38 Mr. Keslar. Abutter to Tom Fry, 15 Stage Coach Road. He's a neighbor down the hill. He also
39 abuts Dave Countway. He has known the applicant since childhood. He is in agreement with the
40 proposal.

41
42 Mr. Reed Garvin, 54 Stage Coach Road, directly across the street. Has resided there for 14
43 years. He is in agreement with the proposal.

44
45 Chair Rich asks if any are opposed. Closed to public input.

1
2 Mr. Lee commented only department head had a comment and it was the Planning Board. They
3 stated this has to go forward to the Planning Board for subdivision approval. He wanted to note
4 that on the record.

5
6 *The Board must find that all the following conditions are met in order to grant the Variance:*

7
8 Mr. Lee stated that this Variance **will not** be contrary to public interest. Mr. LaRoche agrees.
9 Mr. Morgan agrees. He stated there's not a gross deviation from the neighborhood as it exists. It
10 won't change. The lot size will be a little different. Mr. Mankus agrees. Chair Rich agrees.

11
12 Mr. LaRoche stated that the request **is** in harmony with the Zoning Ordinance, the intent of the
13 master plan and with the convenience, health, safety and character of the district within which is
14 proposed. Nothing is changing other than ownership of the single-family home. Mr. Morgan
15 agrees. Mr. Mankus agrees. Chair Rich agrees. Mr. Lee agrees.

16
17 Mr. Morgan stated that by granting the Variance substantial justice **will** be done. He stated the
18 benefit to the applicant far outweighs any detriment to the people of the Town of Alton. Mr.
19 Mankus agrees. Chair Rich agrees. Mr. Lee agrees. Mr. LaRoche agrees.

20
21 Mr. Mankus stated that the request **will not** diminish the value of surrounding properties. Chair
22 Rich agrees. Mr. Lee agrees. Mr. LaRoche agrees. Mr. Morgan agrees.

23
24 Mr. LaRoche stated that for the purposes of sub paragraph unnecessary hardship means that
25 owing to Special Conditions on the property that distinguish it from other properties in the area,
26 **no** fair and substantial relationship exists between the general public purposes of the ordinance
27 provision and the specific application of that provision to this property. Chair Rich stated that
28 this is a unique piece of property that has a conservation easement that abuts Knight's Pond and
29 the original owners, Judith and Tom Fry made it that way. Unfortunately, because of the way the
30 conservation easement is, it makes it very difficult for Tom Jr. to be able to utilize it. That's
31 where the hardship is. Chair Rich agrees and stated the purpose is reasonable. Mr. Lee agrees.
32 Mr. LaRoche agrees to both. Mr. Morgan agrees. Mr. Mankus agrees.

33
34 **MOTION: To APPROVE the for Case #Z26-02, Variance Article 400 Section 452 A.1, of the**
35 **Zoning Ordinance of the Town of Alton. Motion by Mr. Morgan. Mr. Mankus SECONDS.**
36 **Board votes unanimously.**

37
38 Chair Rich opened for Variance number 2 on the same case. A Variance is requested for Article
39 400 Section 452 B of the Alton Zoning Board Ordinance to permit the subdivision of the lot less
40 than the required 200' of road frontage.

41
42 Mr. Fry stated he didn't think a lot of forethought went into the possibility that someone would
43 want to subdivide the home away from the rest of the property. So when the conservation
44 easement was done, the lines were pretty tight to the back of the house and into the driveway. So
45 they don't have the road frontage. It is 137.55 ft. He stated that it is at the end of a dead-end

1 road. He stated it would be minimal impact because there are only three neighbors down there
2 including himself, not a lot of traffic.

3
4 Chair Rich asked if the Board had any questions. No questions. Chair Rich opened to public
5 input. No public input. Chair Rich closed to public input.

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

7
8 Mr. LaRochelle stated that this Variance **will not** be contrary to public interest. Mr. Morgan
9 agrees. He stated there's no change in the character of the neighborhood. Mr. Mankus agrees.
10 Chair Rich agrees. Mr. Lee agrees.

11
12 Mr. Morgan stated that the request **is** in harmony with the Zoning Ordinance, the intent of the
13 master plan and with the convenience, health, safety and character of the neighborhood within
14 which is proposed. There will be no change to the neighborhood. Mr. Mankus agrees. Chair
15 Rich agrees. Mr. Lee agrees. Mr. LaRochelle agrees.

16
17 Mr. Mankus stated that by granting the Variance substantial justice **will** be done. Chair Rich
18 agrees. Mr. Lee agrees. Mr. LaRochelle agrees. Mr. Morgan agrees.

19
20 Chair Rich stated that the request **will not** diminish the value of surrounding properties. He
21 stated most of the abutters approve of the proposal. There's no demonstrable fact that the value
22 of the surrounding properties will be diminished. Mr. Lee agrees. Mr. LaRochelle agrees. Mr.
23 Morgan agrees. Mr. Mankus agrees.

24
25 Mr. Lee stated that for the purposes of sub paragraph unnecessary hardship means that owing to
26 Special Conditions on the property that distinguish it from other properties in the area, **no** fair
27 and substantial relationship exists between the general public purposes of the ordinance
28 provision and the specific application of that provision to this property. He agrees. He believes
29 that the proposed use is a reasonable one. Mr. LaRochelle agrees. Mr. Morgan agrees. Mr.
30 Mankus agrees. Chair Rich agrees.

31
32 **MOTION: To APPROVE the for Case #Z26-02, Variance Article 400 Section 452 B, of the**
33 **Zoning Ordinance of the Town of Alton. Motion by Mr. Morgan. Mr. LaRochelle**
34 **SECONDS. Board votes unanimously.**

- 35
36 **3. A Variance** is requested from Article 300 Section 360 of the Zoning Ordinance to permit
37 a lot with a non-habitable structure as the principal building on a lot.

38
39 Mr. Morgan asked Ms. Ditri why this required a Variance. He asked why it could not be a
40 Special Exception. He stated he was looking under Section 360 and it refers to the table of uses
41 and the table of uses says a non-habitable structure in this area can be done with an exception.
42 This would remove the requirement for a finding of hardship and several of the other criteria for
43 a variance. He stated he was reading from table of uses 400 Section 9 which is referred to in
44 Section 360 of the non-habitable structure.

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Mr. Lee asked the size of the barn or shed. Mr. Fry stated it was 3200 sq ft, 40 x 80. Mr. Morgan stated that the size must be the issue. Mr. Lee stated that 240 sq ft is max.

Chair Rich opened to public input. Chair closed public input.

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

Mr. Morgan stated that this Variance **will not** be contrary to public interest. He stated there's no change to the neighborhood. It will remain exactly the same just a change in the lot line. Mr. Mankus agrees. Chair Rich agrees. Mr. Lee agrees. Mr. LaRoche agrees.

Mr. Mankus stated that the request **is** in harmony with the spirit of the Zoning Ordinance, the intent of the master plan and with the convenience, health, safety and character of the district within which it is proposed. Chair Rich agrees. Mr. Lee agrees. Mr. LaRoche agrees. Mr. Morgan agrees.

Chair Rich stated that by granting the Variance substantial justice **will** be done. Chair Rich stated that this is a unique property with unique features and an abundance of conservation where it is very difficult for the existing owner to maintain this so substantial justice will be done. Mr. Lee agrees. Mr. LaRoche agrees. Mr. Morgan agrees. He stated that the benefit to the applicant will far outweigh any detriment to the Town of Alton. Mr. Mankus agrees.

Mr. Lee stated that the request **will not** diminish the value of surrounding properties. He stated if anything the property will more than likely be improved upon. He stated he does not believe it will diminish the value. Mr. LaRoche agrees. Mr. Morgan agrees. Mr. Mankus agrees. Chair Rich agrees.

Mr. LaRoche stated that for the purposes of sub paragraph unnecessary hardship means that owing to Special Conditions on the property that distinguish it from other properties in the area, **no** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to this property. He agrees. He believes that the proposed use is a reasonable one. Mr. Morgan stated that the hardship here is that this lot is landlocked by conservation easement and without this variance not much can be done. He stated that the use is a reasonable one and the request for variance is a reasonable one. Mr. Mankus agrees. Chair Rich agrees. Mr. Lee agrees.

MOTION: To APPROVE the for Case #Z26-02, Variance Article 300 Section 360 of the Zoning Ordinance of the Town of Alton. Motion by Mr. Morgan. Mr. Lee SECONDS. Board votes unanimously.

Chair Rich moves on to Equitable Waiver of dimension requirements.

- 4. **An Equitable Waiver** for Article 300 Section 327 A.4 of the Zoning Ordinance to provide relief for the existing garage which encroaches 13' into the side setback.

1 Mr. Fry stated that in this case when the conservation easement lines were drawn he does not
2 believe there was any forethought in someone wanting to do something different in the future
3 with the property. He stated it didn't matter for conservation purposes where the line was drawn.
4 He stated that it does matter now because Zoning Ordinances are different now than they were.
5 He stated that the building also encroaches into that setback. He stated there are no other homes
6 there, it is all conservation land. He stated as a future abutter he has no objections to this.

7
8 Mr. Fry stated that the conservation easement line is also the same as the line for the new lot. He
9 stated that just the back corner of the garage crosses over where the dotted line is, which is the 20
10 ft setback.

11
12 Chair Rich asked if the board had any additional questions for the applicant.

13
14 Ms. Ditri had a comment. She stated that in zoning, if you know that a side setback is
15 traditionally 10 ft on the side and it says that it is 13 ft into the side setback. She stated in the
16 Rural Zone on lots created after 2008 the setback is 20 ft. Chair Rich stated that he saw a note
17 that said after March 11, 2003 in the rural zone it moved to 20 ft.

18
19 Mr. Morgan had a question for Ms. Ditri. He stated that the application is made under Section A.
20 He asked if they could consider it under Section B and approve it under Section B. Ms. Ditri
21 stated that she believed B on the worksheet for the Equitable Waiver is where they would land.
22 Mr. Morgan agreed. Ms. Ditri stated that the A is for Section 327, it is a setback section. She
23 stated that was her next comment, to use B because she believes the last remodel was 2008. She
24 asked if that garage had been there more than 10 years and Mr. Fry responded affirmatively. She
25 stated that in that case that would move them to Section B.

26
27 Chair opened to public input. He asked if anyone was in favor of the application. There was no
28 response. Chair Rich asked if anyone was opposed. Chair Rich closed to public input.

29
30 **MOTION: To APPROVE the Equitable Waiver on Case #Z26-02 for Waiver from Article**
31 **300 Section 327 A under Section B of the Equitable Waiver which requires that the**
32 **violation has existed for 10 years or more and no enforcement action has been taken**
33 **including written notice of violation. Motion by Mr. Morgan. Mr. Mankus SECONDS.**
34 **Board votes Unanimously.**

35
36 **1. Previous Business:**

- 37 **a. Motions from December 4, 2025 ZBA meeting requiring final action.**
38 **i. Case #Z25-40, Barchard needs a new motion removing the Duca's names.**
39

40 **MOTION: To APPROVE Case #Z25-40, for Timothy and Laura Barchard and Prospect**
41 **Mountain Survey a boundary line adjustment, a variance requested from Article 400**
42 **Section 412 A. Motion by Mr. LaRochelle. Mr. Lee SECONDS. Board votes unanimously.**
43

44 Ms. Ditri stated that there are two Motions for two Variances for the Barchard's.
45

1 **MOTION: To APPROVE Case #Z25-40 for timothy and Laura Barchard and Prospect**
2 **Mountain Survey, Paul Zuzgo for the Variance requested from Article 400 Section 412 B2**
3 **of the Zoning Ordinance. Motion by Mr. LaRochelle. Mr. Lee SECONDS. Board votes**
4 **unanimously.**

- 5
6 ii. Case #Z25-35 Thane LLC needs a new motion clarifying what conditions
7 are to be included.
8

9 **MOTION: To APPROVE Case #Z25-35 Thane LLC for a Special Exception from Zoning**
10 **Ordinance Section 401 E.17 permit a Contractor’s Yard that the following conditions of**
11 **approval be required: No materials will be stockpiled or stored on the premises; only**
12 **business equipment and vehicles will be stored onsite. Employee passenger vehicles may**
13 **park outside the building on the site. Heavy equipment and vehicles will be stored in the**
14 **barn when not in use. No equipment maintenance operations will be conducted on the site.**
15 **Maintaining existing vegetation to keep the Contractor’s Yard obstructed from the**
16 **neighbor’s view. Applicant will control dust and erosion on the property. There will be no**
17 **retail sales on the property. And finally, the applicant must seek Planning Board approval**
18 **of this application. Motion by Mr. Morgan. Mr. LaRochelle SECONDS for discussion.**
19

20 Mr. LaRochelle stated he has a problem with “no equipment maintenance operations onsite.” He
21 believes that covers a broad scope. He stated it could include things like oil changes and fluids.
22 He does agree that it should also include things like belts and things of that nature. He feels that
23 part should be restated so that not all maintenance will be prohibited.
24

25 **MOTION: Mr. Morgan modified his MOTION to change the “no equipment maintenance**
26 **required onsite” to “no equipment maintenance which would involve changing fluids or**
27 **spills onsite.” Mr. Lee SECONDS.**
28

29 Ms. Ditri asked if there would be special language regarding this condition and the maintenance
30 onsite. Mr. LaRochelle stated it would restrict the changing of fluids. Mr. Morgan stated that it
31 would not include fueling. Chair Rich stated that it would read no maintenance except for
32 changing fluids on equipment or trucks. Mr. Mankus stated allow whatever maintenance they’re
33 doing inside the barn only. Chair Rich stated that it could read no maintenance except within the
34 confines of the building.
35

36 **MOTION: Mr. Lee SECONDS the correction as far as the equipment maintenance within**
37 **the confines of the building. Board votes unanimously.**
38

- 39 2. **New Business:** None
40 3. **Approval of Minutes:** ZBA meeting minutes of December 4, 2025.
41

42 Page 5, line 14 beginning with Chair Rich stated, make a new paragraph. That is the second
43 criteria under a Variance and we generally break the criteria into separate paragraphs.
44

45 Ms. Ditri requested that the Duca’s names be removed from the two Variance Motions out of

1 the minutes. Chair Rich agreed.

2

3 **MOTION: To APPROVE the Minutes for December 4th 2025. Motion by Mr. Morgan as**
4 **amended. Mr. LaRochelle SECONDS. Board votes unanimously.**

5

6 4. Correspondence: None

7

8 **MOTION: Mr. Lee MOTIONS for adjournment. Mr. Morgan SECONDS. Board votes**
9 **unanimously. Adjourned 7:30 pm.**

10

11 *ADJOURNMENT*

12 Chairman Frank Rich

13

14 *If there is foul weather or lack of a quorum, the public hearing will be continued to Thursday,
15 January 8, 2026, starting at 6:00 P.M. at the Alton Town Hall, and a notice shall be posted stating
16 same.

17 Respectfully Submitted,

18

19 Sandra Monaco, Recording Secretary