

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
44
45

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, March 5, 2026, at 6:00 PM
Alton Town Hall**

MEMBERS PRESENT

Tom Lee, (Acting) Chair
Paul LaRochelle, Member & Selectman's Representative
Paul Monzione (Alternate)
Joe Mankus, Member

OTHERS PRESENT

Robin McClain
Paul Zuzgo
Shawn Hillsgrove
Jeremy Kemper
Jonathan Kemper
Joe Menasky
Richard (Shea?)
Melissa Erikson
Richard Ragonesi
Amy Madden
Christine Perella

CALL TO ORDER

Chair Lee called the meeting to order at 6:01 P.M.

APPOINTMENT OF ALTERNATES

MOTION: To APPOINT Paul Monzione as Alternate. Motion by Mr. LaRochelle. Mr. Mankus SECONDS. 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

1 **MOTION: To APPROVE the agenda as submitted. Motion by Mr. Monziona. Mr.**
 2 **LaRochelle SECONDS. Motion passed unanimously.**

3
 4 **1. NEW APPLICATIONS**

| | | |
|---|--|---|
| Case #Z26-05 Jeremy & Jonathon Kemper, Agents for the Kemper Land Holdings, LLC, Owners | Map 19 Lot 32 69 Drew Hill Road | Variance Rural (RU) Zone |
|---|--|---|

5 A **Variance** is requested from **Article 400 Section 452.B** of the Zoning Ordinance to permit a
 6 new lot with portion of the 200' required road frontage on second road.

7 **MOTION: To ACCEPT Case #Z26-05 as Complete. Motion by Mr. LaRochelle. Mr.**
 8 **Monziona SECONDS. Board votes unanimously.**

9 Mr. Jeremy Kemper stated that they are proposing to utilize Stagecoach Road, which is currently
 10 a Class VI Road, to be counted towards the two lots 200 ft road frontage requirements. They are
 11 proposing to upgrade that to standards. They are trying to avoid wetlands that are on the existing
 12 property. They would like to stick to the west side of the property for the residence to be built
 13 with its own shared driveway access to avoid impacting the existing access to the shop.

14 Chair Lee asked if the existing access to the shop was the lower building. Mr. Kemper stated it
 15 was to the right of the wetlands. Mr. LaRochelle asked if this was after Stagecoach Road onto
 16 Drew Hill Road. Mr. Kemper stated that was correct. Mr. LaRochelle asked if they were
 17 proposing off of Stagecoach Road to have the shared driveway. Mr. Kemper stated the purpose
 18 of that was to avoid any impact to the wetlands that are already there. Mr. LaRochelle asked, in
 19 their opinion, if there was no way from Drew Hill Road to have a driveway at the end of
 20 Stagecoach Road where it meets Drew Hill Road. Mr. Kemper stated they could make all
 21 attempts to get it as close as possible to minimize how much of Stagecoach they need. Mr.
 22 LaRochelle asked how long Stagecoach Road was. Mr. Kemper was not sure. He stated it is
 23 maintained from the other side coming from Rines Road. He stated on his side it is dirt and grass
 24 and not maintained currently. He did not know the exact length of it. He stated 320 feet beyond
 25 what they are proposing. Mr. LaRochelle asked if they are 320 feet down Stagecoach from the
 26 beginning of Stagecoach Road where Drew Hill Road meets Stagecoach. Mr. Kemper stated they
 27 are 320 feet from Drew Hill Road setback onto Stagecoach Road. Mr. LaRochelle asked if that
 28 was from the beginning of the proposed driveway. Mr. Kemper agreed.

29 Mr. LaRochelle asked if Mr. Kemper had read the comments from the Highway Department.
 30 Mr. Kemper stated he had. Mr. LaRochelle asked if he had looked at the right-of-way permit.
 31 Mr. Kemper stated he had and agreed with that because there are power lines and cable lines
 32 going through to the other houses that are on the other side. They have no problem giving the
 33 right-of-way.

34 Mr. Monziona wanted to get a better understanding of the purpose of the variance. His
 35 understanding was that the Kempers were going to create some new lots. At present it is one lot
 36 and they would like to turn it into a total of three lots. Mr. Kemper agreed. Mr. Monziona stated
 37 that there was a note that says the narrative states it will be a two-lot subdivision, but when it is
 38 finished it will actually be a three-lot subdivision. He asked if that was correct because they

1 have the lot they are starting out with and adding two more. He stated the total would be a three-
2 lot subdivision. Mr. Kemper agreed. He stated it was meant to say a two lot carve out. Mr.
3 Monzione stated that that is in addition to the one, so the subdivision will have a total of three,
4 not two, lots. Mr. Jeremy and Jonathan Kemper stated that was correct. Mr. Monzione stated that
5 the reason they needed the variance is because the zoning required for a corner lot is that you
6 have 200 feet of frontage on both sides of the corner. He asked if that is the way the Kempers
7 understood it. He read from the zoning ordinance: "Each lot shall have a minimum of 200-foot
8 frontage at the street or highway line; corner lots shall have a minimum of 200-feet of frontage
9 on each street or highway line." He asked the Kempers if one of these was a corner lot. He
10 asked if it would be abutting two roads.

11 Steve Oles from Norway Plains stated the they created 80 feet of frontage on Drew Hill Road
12 and the other 320 feet of frontage on Stagecoach Road. He stated Stagecoach Road is a Class VI
13 Road and Drew Hill Road is a Class V Road. They were wondering if they could use the 320
14 feet of frontage that they have that goes through the two properties and use that as their frontage
15 for the two lots that they are trying to create. The 80 feet on Drew Hill Road plus the 320 gives
16 you 400 feet. He did not know if he would really call that a corner lot because they have the lot
17 on the other side of Stagecoach Road that is going to remain a tiny nugget there. Mr. Mankus
18 asked Mr. Oles to show the Board on the map. Mr. Oles demonstrated the plan (off mic).

19 Mr. Monzione asked if they will get to the 200 feet of frontage for that middle lot provided that
20 120 feet of the 200 feet comes from Stagecoach and the other 80 feet comes from Drew Hill. He
21 asked if what is shown on the plan is the configuration of what is there currently. Mr. Oles
22 demonstrated on the plan the configuration of the lot. He stated they have frontage on the parent
23 lot and frontage on Stagecoach Road. He stated the little lot has frontage on Stagecoach Road
24 and Drew Hill Road. Mr. Monzione stated that the roads, as depicted on the plan, currently exist
25 and when it is all one big lot and created three lots, you will have 200-feet on the top one, 200-
26 feet on the center also as long as you can count 120 of those feet and 80 feet of the other, it will
27 give you your 200. He stated on that portion of the Stagecoach that is the 120 feet. He asked if
28 the owners are going to improve that road and bring it up to a Class V. Mr. Kemper agreed. Mr.
29 Monzione asked if they would do that all the way to the end or just for the 120 feet. Mr. Kemper
30 asked what he meant by "all the way to the end". Mr. Monzione stated that he meant for both
31 lots. Mr. Kemper stated yes. Mr. Monzione stated that it would go from where it intersects with
32 Drew Hill all the way across the other lot too, the top lot. Mr. Kemper stated that was correct.
33 Mr. Monzione asked if it would be brought up to Town standards for Class V. Mr. Kemper stated
34 that whatever standards they need to bring it up to, they would. He stated that is what they want
35 to do.

36 Mr. LaRochelle stated that his question was going to be whether they intended to bring that to
37 Town standards on Stagecoach Road. Mr. Kemper agreed. Mr. LaRochelle asked how many
38 properties are down further at the end of Stagecoach past the driveway. Mr. Kemper stated two.
39 Mr. Jonathan Kemper stated he believed it was two and they come down from Rines Road.

40 Mr. Oles commented that they don't access from there. Mr. LaRochelle stated that beyond their
41 driveway is not accessible. Mr. Jonathan Kemper stated you can get a logging truck down there.
42 Mr. Mankus stated ??? Mr. Kemper stated he was sure they would take it a little bit further. Mr.
43 LaRochelle stated that in the planning process he was sure they would be making some sort of

1 arrangement for a cul-de-sac or a turnaround. Mr. Kemper stated they would do a turnaround, a
2 pass through, and a hammerhead for the Fire Department. Mr. LaRochelle stated that would be
3 something important for the Fire Department and the Highway Department. Mr. Kemper stated
4 they would like it for plowing as well. Mr. Oles stated that the lots are for the Kempers. He
5 stated that they own a business. Mr. Kemper stated that the properties would be for himself and
6 his brother, Jonathan Kemper's family. Mr. Monzione stated that once they are created they are
7 forever and can be sold, transferred etc. He stated that when the Board looks at it, they see it as a
8 permanent thing going forward for other people.

9 Mr. Mankus asked how big the lots were, the smaller lots. Mr. Oles stated that one is 5.5 AC.
10 Chair Lee stated that they didn't include the triangle piece -- Mr. Oles stated that that is a
11 separate lot. Chair Lee asked if the lot is owned by the Kempers. Mr. Oles agreed. Mr.
12 Monzione stated that that lot already exists. Mr. LaRochelle stated they are not doing anything
13 with that at this time. Mr. Mankus stated that it looked too small to do anything with. Mr.
14 Monzione asked if that was all the relief that the application is seeking, just a variance from the
15 200-foot minimum requirement, making the 200-feet out of the 80 feet and 120 feet. Mr. Oles
16 stated that it's a variance for the frontage because they don't have frontage on a Class V Road.
17 He explained to the Kempers that they needed to apply for a variance for the frontage aspect to
18 create this. Mr. Monzione stated they needed the variance for both lots because even though one
19 of them has 200 feet of frontage it's a Class VI Road. Mr. Kemper stated he believed the shared
20 driveway also is in the same section of the ordinance. He stated therefore it would be a tandem
21 part of the variance.

22 Chair Lee asked if the Board had any other questions. There were none. Chair Lee opened the
23 hearing to public input.

24 Ms. Hammond, 184 Rines Road, stated she wanted to better understand where this would be
25 taking place. Mr. Kemper showed her the Site Map. She asked if Beaver Brooke Road went
26 across the Kemper property. They did not think so. Mr. Kemper stated that he believed it was on
27 the other side of their property, not on their property. She had no further questions.

28 Chair Lee asked if there were any others that would like to speak in favor of the proposal. There
29 were none. He asked if there was anyone in opposition. There were none. He closed to public
30 input.

31 Mr. Monzione asked if the lots already have structures on them. The Kempers stated no. Mr.
32 Mankus stated that there's a shop. Mr. Kemper stated the shop is on the existing property. Mr.
33 Monzione asked the if there were any other non-conformities with each of these lots. Mr. Oles
34 stated everything else is fine.

35 Chair Lee began working on the worksheet.

36 *The Board must find that all the following conditions are met in order to grant the Variance:*
37

38 Chair Lee stated that the variance **will not** be contrary to the public interest. Mr. LaRochelle
39 agreed. Mr. Monzione agreed. Mr. Mankus agreed.
40

1 Mr. LaRochelle stated the request **is** in harmony with the spirit of the Zoning Ordinance and the
2 intent of the Master Plan and with the convenience, health and safety and character of the district
3 within which it is proposed. It will have no negative impact on the surrounding properties. Mr.
4 Monziona agreed. Mr. Mankus agreed. Chair Lee agreed.

5
6 Mr. Monziona stated by granting the Variance substantial justice **will** be done. The reason he
7 believes this is if they refer to the zoning ordinance that requires 20 ft of frontage it is for spacing
8 and safety and appropriate roads. This will bring it up to Town standards. There would still be
9 200 ft of frontage on each of the lots. He stated it is basically in compliance with the zoning at
10 that point, other than the fact that 200 ft is made up of two separate roads. Mr. Mankus agreed.
11 Chair Lee agreed. Mr. LaRochelle agreed.

12
13 Mr. Mankus stated that the request **will not** diminish the value of surrounding properties for the
14 same reasons that were just mentioned. Chair Lee agreed. Mr. LaRochelle agreed for the same
15 reasons. (No response was given from Mr. Monziona.)

16
17 Chair Lee stated that for the purposes of sub paragraph unnecessary hardship means that owing
18 to Special Conditions of the property that distinguish it from other properties in the area, **no** fair
19 and substantial relationship exists between the general public, purposes of the ordinance
20 provision and the specific application of that provision to the property. He agreed. He also stated
21 the proposed use is a reasonable one. Mr. LaRochelle agreed. He believes the proposed use is a
22 reasonable one. Mr. Monziona agreed on both accounts for the reasons previously stated. Mr.
23 Mankus stated he agreed.

24
25 Chair Lee asked the Board if before making a motion they should encapsulate the conditions
26 with regard to DPW with signage or is that something Planning Board will cover. Mr.
27 LaRochelle stated he did not think it would hurt to add some comments that the Planning Board
28 will be going over and making sure that the proper permits are put through.

29
30 Mr. Monziona stated he agreed. Any approval should have the specific condition of the 120-foot
31 portion of road meeting Town standards. Mr. LaRochelle stated that the variance portion of this
32 is contingent on the conditions of what the Planning Board would like to do as far as the road is
33 concerned for the variance.

34
35 Mr. Kemper inquired about the timing of that. He asked if it could be done after building so no
36 damage will be done or does it have to be done. Mr. Monziona stated he felt as long as the
37 conditions were ultimately complied with the way they went about it is entirely up to them as
38 long as it is done within the time requirements. Mr. Mankus stated maybe at the time the
39 occupancy permit is issued. Mr. LaRochelle stated it is something the applicant can bring up
40 with the Planning Board and discuss with them. He understood that the applicant would want to
41 do the construction of the road to make it a new class after the construction of the lots were done.
42 He stated that that could be put in their application for the Planning Board. Chair Lee stated that
43 it is a unique situation that protects everyone involved that this is transcribed on the record that
44 you are going to follow these conditions. He stated that it is particularly with the Highway
45 Department and the proper signage.

1 **MOTION: To APPROVE the Variance for Case #Z26-05 on condition that the portion of**
2 **the road (120 ft portion) on Stagecoach Road meet the Town requirements. Motion by Mr.**
3 **Monziona. Mr. Mankus SECONDS. Board votes unanimously.**
4

| | | |
|--|----------------------------------|-----------------------------|
| Case #Z26-06 Christine and Joseph Perello, Owners | Map 25 Lot 33 34 Baxter Place | Variance Rural (RU) Zone |
|--|----------------------------------|-----------------------------|

5 A Variance is requested from Article 400 Section 452.B of the Zoning Ordinance to permit
6 driveway access on a private road.

7 Ms. Christine Perello is seeking a variance for permitting a driveway on a private road.

8 Steven Oles from Norway Plains was also present for this case.

9 **MOTION: To ACCEPT Case #Z26-06 as Complete. Motion by Mr. Monziona. Mr.**
10 **LaRochelle SECONDS. Board votes unanimously.**

11 Ms. Perella stated she is seeking a variance to permit a driveway access on a private road. They
12 are planning a subdivision turning one piece of property into two. The new piece of property is
13 on a corner lot on (28) and Baxter Place which is a private road. She stated it meets the
14 minimum of 200-foot frontage on both the State and private road, but she feels it's a safer
15 entrance and exit on Baxter as opposed to the State road.

16 Mr. Oles stated it was conditionally approved last month at the Planning Board level. He stated
17 they already have conditional approval for the subdivision. He originally wanted to take the
18 access off of Baxter Place Road even though they have frontage on both. The Planning Board
19 told him to come to the Zoning Board because of private road frontage. He stated he is looking
20 at the safety aspect. He does not want another curb cut on (28). He feels it is better safety wise
21 to come onto Baxter Place Road. He stated he'd like to keep everything off of (28) as much as
22 possible. Mr. Mankus agreed it made sense.

23 Chair Lee asked Mr. Oles to demonstrate on the plan to better understand. Mr. Oles stated that
24 the yellow line represented Baxter Place Road. He pointed out (28). He pointed out the 2+ AC
25 lot that was approved of by the Planning Board. He demonstrated the frontage and the frontage
26 on Baxter Place Road. The Planning Board asked where he was putting the driveway, he
27 demonstrated where. The Planning Board gave him conditional approval of the variance. He
28 stated everyone should be able to come out of Baxter and have one less thing to worry about
29 getting out.

30 Mr. Mankus stated that there are many driveways accessing on and off Baxter Place. This would
31 be like all the others. Mr. Oles agreed. He demonstrated how they would come out on the map.

32 Mr. Monziona asked if it was their understanding that in order to satisfy the 200-foot frontage
33 requirements it has to be 200 feet on a public road, that a private road doesn't satisfy it. Mr. Oles
34 agreed. He stated the variance needed isn't so much the driveway. He stated it is not like you
35 would need any authority from the ZBA to allow you to have a driveway cut on Baxter Road.
36 He stated that what they were asking for was for their lot to have 200-feet of frontage on a
37 private road to satisfy the frontage requirement. He was just trying to understand it, he did not
38 know.

1 Mr. Oles stated the way it was explained to him was that he had to take driveway access off of
2 his frontage. He had frontage in two different places. He said it was explained to him he can't
3 count that frontage so he can't get his driveway off of there. Mr. Monziona asked if the Planning
4 Board was saying that Mr. Oles couldn't count the frontage. He stated right now, as it sits, it
5 doesn't have 200 feet of frontage on one side. It has 200 ft of frontage on (28) and even though
6 it physically has 200 ft it doesn't have 200 ft of frontage on a road that qualifies for the frontage.
7 The variance that he's seeking is not so much the driveway permission because he can do what
8 he wants with his lot once he has the lot approved. He didn't believe the ZBA under Zoning has
9 any reason to say you can or cannot have a driveway cut on that. He stated that they're saying
10 Mr. Oles can satisfy the 200-foot frontage on a private road.

11 Mr. Mankus stated that that is what the other people did as well. Mr. Monziona stated they may
12 have done that before zoning even existed. Mr. Oles stated ??? '56. Mr. Monziona stated that it
13 was long before zoning existed. He stated the only question he had was how do they know that
14 the lot Mr. Oles is creating will always have a right to use the private road. He asked if there's
15 an easement that goes with that lot. Mr. Oles stated that all of the lots there have the use of that.
16 Mr. Monziona asked if it could ever be taken away.

17 Ms. Perella stated they had the main lot and own the private road but she doesn't know how it is
18 written up in the deed whether it's a right of way or an easement. Mr. Monziona stated he
19 understands what is being requested of the Board is to grant a variance that allows somebody to
20 satisfy the 200-ft frontage requirement by using a private road as opposed to a road that qualifies.
21 He stated that apparently a private road doesn't qualify. He stated that the Board is being asked
22 to allow you to have your 200 ft of frontage on a road that doesn't qualify for the frontage. He
23 stated his question would be whether if it was granted that the use of that road couldn't be taken
24 away. Ms. Perella stated she couldn't take it away because it is the only access that the other
25 people have. Mr. Monziona understood but wondered in terms of legality. Mr. Oles stated ???.

26 Mr. Monziona stated that the deed would come with a right of way for use of that Baxter Road.
27 He stated it would help them satisfy the frontage requirement that when it was granted there was
28 assurance that – because maybe one of the reasons it has to be a public road in order for it to
29 qualify as frontage is because you know it's guaranteed, it's not a public road. He stated that your
30 200 ft is satisfied on a private road and then somebody else owns the land and one day they sell it
31 to Hannaford's or something and now you can't use it. Mr. Oles stated ????. Mr. Monziona stated
32 the creation of that lot. Mr. Mankus stated that that would be wise to put it on the deed. Mr.
33 LaRochelle asked if Mr. Oles was aware of the driveway permit through the Town through the
34 public works department to apply for that and that the Town will have no liability for the
35 driveway or entering Baxter Place. Ms. Perella agreed. Mr. LaRochelle stated that there's no
36 liability for the Town there because you're entering onto a private road. Ms. Perella agreed.
37 Chair Lee asked where Baxter Place pours out to. He stated he knew it didn't go to (28). Mr.
38 Oles stated ??? Right here Baxter Place is here on 28.

39 Mr. LaRochelle agreed that it made sense. He stated he just wanted Mr. Oles to be aware that
40 there's still a driveway permit and the liability for the Town going onto the private road doesn't
41 exist. Mr. Monziona asked who maintains Baxter Road now. Ms. Perella stated it is privately
42 maintained. She stated that everyone chips in. Mr. LaRochelle asked if an association was
43 formed. Ms. Perella stated there was not. Mr. Mankus asked if there is something documented

1 that each one of you do it. Ms. Perella stated that there is no document. She stated everyone just
2 chips in to get it done.

3 Mr. Monziona wondered why would the Town not allow 200 ft of frontage to be satisfied if it's a
4 private road. He stated that likely one of the issues as they are discussing now is what if nobody
5 ends up maintaining that private road and you just allowed a lot to be created with 200 ft of
6 frontage satisfying the 200 ft of frontage but now you've got a problem because nobody
7 maintains it. He stated that this is a very long-established road with tons of houses that have
8 been there for many years, and it's always been maintained. Mr. LaRochelle stated that is why
9 he asked if there was an association formed for this. Ms. Perella stated that there was not. Chair
10 Lee asked as far as they knew if there were any covenants associated with the other properties in
11 regard to Baxter Place being a right of way. Mr. Oles stated they all have access ??? Mr. Mankus
12 stated if the road is no longer maintained you would have the least amount of trouble with that
13 because you're on the end. Ms. Perella stated that is correct. Mr. Monziona stated because they
14 could always get out on (28) if you got a curb cut from DOT. Mr. Oles stated he did not want
15 that.

16 Chair Lee asked if the Board had any more questions or concerns. He opened to public input for
17 anyone in favor. There were none. He opened to anyone who was opposed. There were none.
18 Chair Lee closed to public input.

19

20 Chair Lee stated that Robin had asked when doing the worksheet if the reasons why could be
21 stated briefly.

22

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

24

25 Mr. LaRochelle stated that this Variance **will not** be contrary to public interest. He did not think
26 it was contrary to the public because it is a private road that is accessed by many other properties
27 on Baxter Place and creating another driveway at the end of Baxter Road and not going onto (28)
28 is not contrary to the public. Mr. Monziona stated that he agreed with that and stated it is good
29 when the Board gives reasons because it strengthens the record and the decision that they make.
30 He thought the reasons why the 200-ft are not allowed to be satisfied on a private road typically
31 is because you never know what's going to happen. He stated with a public road you have a
32 guarantee. He stated that with this case they are very assured that this is a long-standing road
33 with lots of homes that are gaining access. He stated that the concern the Town would have
34 really doesn't exist in this instance. Mr. Mankus agreed it **will not** be contrary to the public
35 interest because it's actually taking away a public safety issue away from the public. Mr. Lee
36 stated he agreed the variance will not be contrary to the public interest. He stated in agreement
37 with Mr. Mankus's point it will certainly bolster the safety aspect of not going out onto (28).

38

39 Mr. Monziona stated that the request **is** in harmony with spirit of the Zoning Ordinance, the
40 intent of the Master Plan and with the convenience, health, safety and character of the district
41 within which is proposed. He stated that because of the reasons that were already stated. Mr.
42 Mankus agreed for the same reasons, safety and character of the district. Chair Lee agreed that it
43 is certainly within harmony of the intent of the Master Plan and comes under the convenience

1 health and safety and the character of the district. Mr. LaRochelle stated he agreed for the same
2 reasons.

3
4 Mr. Mankus stated that by granting the Variance substantial justice will be done. He stated this
5 allows the homeowner to get in and out of their property safely. Chair Lee agreed. He stated
6 that granting this variance certainly substantial justice will be done. He stated it made common
7 sense as far as not pulling out onto (28) and it's on a private road. He believes substantial justice
8 will be done. Mr. LaRochelle agreed. He stated substantial justice will be done by granting the
9 variance. The property owner will be able to utilize the property for their residence. Mr.
10 Monziona stated that substantial justice will be done because there's really no concern that this
11 private road poses.

12
13 Chair Lee stated that the request will not diminish the value of surrounding properties. If
14 anything it will enhance it. It will have an established lot at the beginning of Baxter Place and he
15 believed it would not diminish the value. Mr. LaRochelle agreed. Mr. Monziona agreed that no
16 evidence has been presented that this would in any way diminish the value. Mr. Mankus agreed.
17 He does not believe it will diminish the property values. It may improve the value if you build a
18 fine home there.

19
20 Mr. LaRochelle stated that for the purposes of sub paragraph unnecessary hardship means that
21 owing to Special Conditions on the property that distinguish it from other properties in the area,
22 no fair and substantial relationship exists between the general public purposes of the ordinance
23 provision and the specific application of that provision to this property. He agreed. He believes
24 that the proposed use is a reasonable one. He believes it is reasonable for safety with regard to
25 coming out onto Route 28 which is extremely busy and dangerous to come out with a driveway.
26 He stated it would also be difficult to do with the State. He stated that putting it on private road
27 access, the hardship would be if they were not allowed to do so, in his opinion. Mr. Monziona
28 agreed with that. He stated no fair and substantial relationship exists between the general public
29 purpose of the ordinance and the specific application here because the purpose of the ordinance
30 is in no way being diminished or undermined by doing this. He stated the use of creating a lot is
31 reasonable use. Mr. Mankus agreed. He stated it is more than reasonable. He believes the urging
32 should have been to put the driveway on that private road as opposed to the main street. Chair
33 Lee agreed.

34
35 **MOTION: To APPROVE the for Case #Z26-06. Motion by Mr. LaRochelle. Mr. Mankus**
36 **SECONDS. Board votes unanimously.**

37
38 Mr. Monziona asked if there could be a little discussion. He asked if they could amend the
39 motion to include when the new lot is created there would be a right of way on that portion
40 where they're granting the 200 ft variance.

41
42 **MOTION: To ADD 200 ft of frontage on a private road to satisfy the Town's standards.**
43 **Motion by Mr. LaRochelle. Mr. Mankus SECONDS. Board votes unanimously.**
44

1 Mr. Mankus stated that Ms. Perella has a permit right away. Mr. Monziona stated that on the
2 condition that when the new lot is created it will come with a right of way that portion of 200 ft
3 of private road.
4

| | | |
|--|---|---|
| Case #Z26-07 Shawn Hillsgrove, Agent for 31 Mooney Street, LLC, Owner | Map 29 Lot 38-1 31 Mooney Street | Special Exception Residential Commercial (RC) Zone |
|--|---|---|

5 A **Special Exception** is requested from **Article 400 Section 401.D.7** of the zoning ordinance to
6 permit an automotive and truck motor vehicle washing facility.
7

8 **MOTION: To ACCEPT Case #Z26-07 as Complete. Motion by Mr. LaRochelle. Mr.**
9 **Mankus SECONDS. Board votes unanimously.**
10

11 Shawn Hillsgrove stated that he was trying to plan building a garage, not a car wash. He stated
12 there is a company in town already who does detailing called Krave is looking for a new place to
13 go. He was thinking of having a garage at his place and he could do his detailing business there.
14 He stated it is not a carwash. He stated that was the best category he could fit into. He stated
15 that is why he is there, to have that allowed on the property.
16

17 Chair Lee stated that it would be a detailing shop where there would be some washing of
18 vehicles. Mr. Hillsgrove stated that when the detailer does his job he has to wash the cars first.
19 He stated it was a regular hand wash, not a machine. Chair Lee stated that there were several
20 Department Head concerns, and he stated he would read through them and let Mr. Hillsgrove
21 answer them. He stated that one is from the Public Works Director. It was a recently paved road,
22 and they do not want to have the road dug up again. He asked Mr. Hillsgrove to speak to that
23 concern. Mr. Hillsgrove stated that he spoke to Courtney, and he was talking about coming off
24 of his existing building and tying into that if he had to. He stated if not that, then they would
25 look at what they would have to do to repave the section that they dig up. He was unsure where
26 the water main was on those two roads. He was unsure if it was on his side of the road or the
27 opposite side. He said he would figure that out if it gets approved. He was aware that any
28 damage would have to be repaved.
29

30 Chair Lee asked which building Mr. Hillsgrove meant when he said “from the existing building”.
31 Mr. Hillsgrove stated 31 Mooney St. Chair Lee asked where the garage or structure would be.
32 Mr. Hillsgrove stated it would be in the back corner. Mr. LaRochelle asked if that was the back
33 corner of the parking lot. Mr. Hillsgrove stated it is behind the parking lot. Mr. Mankus asked if
34 they would be handwashing the vehicles. Mr. Hillsgrove stated that he (personally) will not be.
35 The person who is renting the space will be. The person pressure washes and then details the
36 vehicles. Mr. Mankus asked what was meant by “trucks”. Mr. Hillsgrove stated pick-up trucks
37 not semis. He stated the garage isn’t big enough for bigger vehicles. He stated it would be cars,
38 boats, pick-up trucks.
39

40 Mr. Mankus asked where the drainage would be going. Mr. Hillsgrove stated that there’s existing
41 parking lot drainage right now that goes into a retention pond. Chair Lee stated that the
42 Conservation Commission Department Head stated the site is in an aquifer protection overlay

1 district and the disposal of wastewater would need to be treated to remove contaminants. Mr.
2 Hillsgrove stated that the drainage system already has an oil/fuel separator in it before it goes
3 into the retention pond. He stated that was done when the building was redone by the bank in
4 2004. Mr. Mankus asked if the building already exists. Mr. Hillsgrove stated that the building
5 does, the garage doesn't. He stated that there's a building there that he owns where Norway
6 Plains is.

7
8 Mr. Mankus asked for more information about the oil/fuel separator. Mr. Hillsgrove stated the
9 parking lot drainage all goes into catch basins and the last catch basin before it goes into the
10 retention pond has an oil separator in it already. Mr. Mankus asked if Mr. Hillsgrove needed to
11 clean that out every so often. Mr. Hillsgrove agreed. Mr. Mankus asked if there was a service
12 schedule of some sort. Mr. Hillsgrove stated they come out once every year or two to clean and
13 maintain it. Mr. Mankus asked if there was some kind of a filter that gets replaced or is it just
14 shoveled out. Mr. Hillsgrove stated that it's like a trap that separates it and it keeps the oil from
15 going in the retention pond. Mr. LaRochelle asked if Mr. Hillsgrove knew where that was. Mr.
16 Hillsgrove stated if you're looking at the parking lot, it is the back left one, closest to the garage
17 that he's looking to put in. Mr. LaRochelle asked if that is where they open it and they're able to
18 retrieve any of the fluids. Mr. Hillsgrove stated that a truck with a hose goes in and pulls
19 everything out. Mr. Mankus asked if Mr. Hillsgrove was going to drain the water from the new
20 shop. Mr. Hillsgrove stated he was going to pitch the driveways into the existing drainage that is
21 already there now. Mr. Mankus asked if the washing would be done inside the building. Mr.
22 Hillsgrove agreed. Mr. Mankus asked if the water would then drain out of the building and into
23 the next building. Mr. Hillsgrove agreed. He stated in the summer he will wash some cars
24 outside too.

25
26 Chair Lee stated that the department head from the Fire Department said a separate building will
27 require a different 911 address. He asked if Mr. Hillsgrove was familiar with that. Mr.
28 Hillsgrove stated he was. Chair Lee stated for the record that there were some emails they
29 received in regard to the case.

30
31 He read an email from Rick and Diane Rines: "We're writing to formally express our strong
32 concerns regarding the environmental impact of the proposed automotive and truck motor
33 vehicle wash facility at 31 Mooney St. As a neighbor living at 23 (Mooney St.) we are deeply
34 concerned about the long-term consequences of this proposal on the community. Our opposition
35 to the proposal is based on the following potential hazards: Environmental hazards that could
36 affect Wentworth Pond, many areas of the Merrymeeting River identified as impaired for aquatic
37 life due to elevated levels of cyanobacteria, the Wentworth pond near Hutchins Circle on
38 Mooney St already has cyanobacteria advisories during warmer months, and lastly the road
39 flooding hazards, Hutchins Circle road adjacent to our house has a long history of flooding.
40 There is no controlled road runoff on Hutchins Circle or Mooney St."

41
42 Chair Lee asked if Mr. Hillsgrove had any comments with regard to that. Mr. Hillsgrove stated
43 the drainage would all be pitched towards the existing drainage. Any driveway cut will come off
44 the road at the slope like it's supposed to and then come up towards the building. Nothing would
45 run out into the road. As far as environmental, everything they use for washing cars nowadays is

1 environmentally safe and there's the catch basin that separating all the contaminants before it
2 enters any catch basin or the retention pond.

3
4 Chair Lee asked if Mr. Hillsgrove could speak to the size of the structure of the building and
5 what type of structure it is going to be. Mr. Hillsgrove stated it would be 20x50 and a garage
6 with two garage doors, a couple of windows and man door. Mr. Mankus asked if there would be
7 a bathroom. Mr. Hillsgrove stated that the bathroom is in the existing building downstairs. Mr.
8 LaRochelle asked if there would be any bathroom facilities. Mr. Hillsgrove stated there would
9 not be because there's an existing common use bathroom in the basement for the whole building
10 for commercial use. Mr. LaRochelle asked if that was over on 31 (Mooney). Mr. Hillsgrove
11 stated it was. He stated he could put a bathroom in but as far as his plan stands currently, he
12 wasn't planning on it.

13
14 Mr. LaRochelle asked about the parking that is there currently and whether it is dedicated to 31
15 Mooney. Mr. Hillsgrove stated it is. Mr. LaRochelle asked if Mr. Hillsgrove intended to use that
16 parking lot as parking for any of the detailed vehicles. Mr. Hillsgrove explained how on the site
17 map the parking lot goes along the Hutchins side of the building. He stated that is where the
18 intended parking is. He explained that the entrance goes to the narrow side of the building, but it
19 also goes to the 50-ft side of the building as well, which will allow for parking along the side of
20 the building. Mr. LaRochelle asked if he meant the new building. Mr. Hillsgrove agreed. Mr.
21 LaRochelle stated he didn't see it but stated it may be on another site map. He only saw the
22 parking that exists. Mr. Hillsgrove pointed it out to Mr. LaRochelle. Mr. LaRochelle stated that
23 it looked like a driveway. Mr. Hillsgrove stated that it is driveway parking. It comes off of
24 Hutchins Circle and comes over to the main door. Mr. LaRochelle asked if most of the vehicles
25 will be parked inside at night or anything that's being cleaned. Mr. Hillsgrove stated it would.
26 Mr. LaRochelle asked if it is usually a pickup and deliver. Mr. Hillsgrove stated that the detail
27 shop owner only has a couple there at a time. Most of the time the cars will be inside, if not one
28 or two vehicles will be outside. Most of the time they are outside to get picked up at night. Mr.
29 LaRochelle asked for clarification if Mr. Hillsgrove said that this is the same company that is in
30 town already. Mr. Hillsgrove stated it was and stated the business name was Krave. He stated it
31 was the old co-op building in town right in front of Dunkin Donuts.

32
33 Chair Lee asked if there were any other questions or concerns from the Board.

34
35 Mr. Monziona stated one of the criteria they have to determine is whether there is or is not
36 adequate area for safe and sanitary sewage disposal and water supply. That is one of the criteria
37 for special exception. He knows he had information about the car wash that went in here, and
38 there's a tank system over there. He stated there's no Town sewage and was not sure if it was
39 Town water or not. He mentioned there's a lot of sand and stuff that comes off besides grease and
40 then all of that goes into tanks. He thinks it's a multi-tank system because they do a recapture of
41 the water there. Mr. Hillsgrove stated that would be for an automated carwash. Mr. LaRochelle
42 stated they take it away after that tank is full. Mr. Monziona stated that that would be a
43 completely different operation than what he is proposing. The owner of the business (Krave) has
44 been doing it in town, detailing boats and cars. Mr. Hillsgrove agreed and stated he has been
45 there for three or four years.

1 Mr. Monziona stated the use that is being applied for is a special exception for automotive and
2 truck motor vehicle washing facility, which is very broad. He stated it could turn into something
3 far more extensive. He asked if Mr. Hillsgrove would be okay with limiting his request to the
4 type of detailing and washing activity that goes there so that it would never be expanded into
5 something more. Mr. Hillsgrove agreed and would be happy with that. He didn't want to own a
6 carwash. Mr. Monziona stated he was not even sure how they would word such a condition. He
7 stated that is a very broad category in their Table of Uses that he found and was appropriate for
8 purposes of Mr. Hillsgrove's application. It is so broad that it could become the carwash without
9 any of the other requirements that a carwash otherwise has. Mr. Hillsgrove agreed.

10
11 Mr. Monziona asked for Mr. Hillsgrove's thoughts. Mr. Hillsgrove stated that he is happy with
12 that because if the tenant ever moved out it would be a trade shop at that point, an electrician or a
13 plumber renting it. Mr. Monziona stated if it were approved and the special exception exists, it
14 runs with the property. It is there forever. He stated that even if the prospective tenant moves
15 out, someone else can come in and expand it into a bigger business because they have a special
16 exception for automobile washing and truck washing and it could become something much
17 different. If it is conditioned and limited to what you're specifically seeking then the Board
18 knows it's never going to get any bigger.

19
20 Mr. Mankus stated the condition would be a car detailing shop, which would include washing.
21 Mr. LaRoche stated it's not going to be an automated washing system. Mr. Mankus stated his
22 only concern was the drainage. As he understood what was said by Mr. Hillsgrove they will be
23 washing in one building, and all the drainage is going to go across the parking lot into the other
24 building to use that trap system. Mr. Hillsgrove stated the one closest, right outside the front door
25 there's a drain in that corner parking lot right outside the garage. There are four catch basins in
26 the parking lot right now. Mr. Mankus stated it is going to go from the proposed building and if
27 you draw a straight line like you're heading towards Mooney St – Mr. Hillsgrove stated it is
28 probably only 10 ft that goes into the catch basin. He is going to take the corner of that parking
29 lot, the curbing and then he's going to get everything so it pitches away from Hutchins and goes
30 into the existing catch basin right there, not across the parking lot or anything. Mr. LaRoche
31 asked if he meant close to the building. Mr. Hillsgrove agreed. Mr. Mankus stated there's three
32 in this parking lot and two in the other. He asked if that catch basin is where the trap system is.
33 Mr. Hillsgrove stated that on the existing plan that he has for the septic shows the separator. The
34 separator has to be in the last one before it goes into the – it works for all three in that parking lot
35 then it goes to the retention pond. Mr. Mankus stated that it has to be in the last one coming
36 from the street. Mr. Hillsgrove agreed. Mr. Mankus stated that it is closest to the shop. Mr.
37 Hillsgrove agreed.

38
39 Mr. Monziona asked if it was Town water supply. Mr. Hillsgrove agreed. Mr. Monziona asked if
40 Mr. Hillsgrove anticipated requiring additional water supply because of that. That was the
41 concern about cutting up the road to get a new line in. He asked if Mr. Hillsgrove would need to
42 do that. Mr. Hillsgrove stated that Courtney said she would talk to him about this if it got
43 approved but he would have to talk to the Road Agent who already spoke about the tar. He
44 would have to go that route or if they would allow him to tie into the existing building and run

1 off from the main there because this won't be using much it will just be a hose running, not like
2 there's three bathrooms there or anything else.

3
4 Mr. Monziona stated that right now it's not absolutely essential that a whole new water supply
5 line come in from the main in the road to bring into the property. Mr. Hillsgrove stated Courtney
6 said they would talk about it and see, because the pressure is high there. He stated if he had to he
7 would work something out with the Town where he taps into the water main because there's a
8 two-inch main – Mr. Mankus asked if he knew what it produced GPM. Mr. Hillsgrove stated it
9 is Town water. He stated he believed there was over 100 PSI there. Mr. Mankus stated PSI and
10 volume are two different things. Mr. Hillsgrove stated it is a one-inch line coming in from the
11 street from the Town water supply. He stated Mooney St. has a 6-inch main. Mr. Mankus stated
12 let's say people past you, because it's set up for residences. Mr. Hillsgrove stated there's a 6-inch
13 main on Mooney and there's a 2-inch main on Hutchins Circle. Chair Lee stated that that made
14 sense. Mr. LaRochele stated that the 6-inch line on Mooney St. is the one that feeds your
15 property on 31 (Mooney). Mr. Hillsgrove agreed. Mr. LaRochele stated that it almost makes
16 sense to go from that property to -- Mr. Hillsgrove stated that Courtney was saying they would
17 like to see each building have its own, but she said just in case he ever split it up – he stated it
18 can't be split up, because it's too small. He stated it would have to be sold together no matter
19 what. He stated Courtney said she's had some issues where two buildings had the same and then
20 they sold them and now you're feeding off one other house. Mr. LaRochele agreed and stated
21 that becomes a problem. Chair Lee asked if there were any other questions or concerns from the
22 Board. Mr. LaRochele stated he was concerned with containment of any soaps and things like
23 that so it does not go into the retention pond.

24
25 Mr. Mankus asked if Mr. Hillsgrove had any idea how big that catch basin is now. Mr. Hillgrove
26 did not know. He has not been able to look because it's full of snow right now. Mr. Mankus
27 asked if they were all tied into each other. Mr. Hillsgrove stated that there are three that are tied
28 in and then it run from the last one out into the retention pond. He didn't think they were very
29 big. He stated they are probably four-foot tiles. He stated he may be wrong; the separator might
30 be bigger because of the separator. Mr. Mankus stated in the next week it may be a good idea to
31 test it, see if it is filling up on its own before you start. Mr. Hillgrove stated that there's a big
32 pipe coming out of there into the retention pond that is meant to handle some water. Chair Lee
33 stated he believed this would come under some strong scrutiny from the Planning Board just
34 because of the aquifer overlay. He asked if Mr. Hillsgrove had any further comments. Mr.
35 Hillsgrove had none.

36
37 Chair Lee asked if there were any other questions. There were none. He opened the meeting to
38 public input in favor of this project. There were none. Chair Lee asked if anyone was in
39 opposition to this project.

40
41 Joe Menasky, resident of 26 Mooney St., directly across from their parking lot. His concerns
42 were whether there will be enough parking when they put the building in. He stated there are a
43 number of apartments in the building in addition to the businesses. He stated they need to make
44 sure there's going to be enough parking there. He asked when they put the building up what are
45 they going to do for septic. He asked if the septic system there was big enough to cover this or

1 does this run directly into the retention pond from the car wash. He was also concerned with the
2 water line. He asked if the water line would be big enough to supply that building with all of the
3 apartments as well as the car wash. He believed it should be listed as a detail shop and that it
4 cannot be listed as a repair shop. He stated they didn't want that in there. He stated they have a
5 nice, quiet neighborhood and they would like to keep it that way. He stated the entrance and exit
6 will be through that parking lot as he understands it. Mr. Hillsgrove stated it would be through
7 Hutchins Circle. Mr. Menasky asked if pick-up trucks were the only kind of truck that would be
8 detailed. Mr. Hillsgrove agreed. Mr. Menasky mentioned the flooding on Hutchins onto the
9 corner from Hutchins and 100 ft back it gets pretty bad in the Spring. Mr. LaRoche stated that
10 was one of his questions. Mr. Menasky asked if there would be enough parking for three people
11 working there plus however many vehicles, boats and whatever they were going to have there.
12 He stated they just want to make sure they're going to keep the neighborhood the way it is. If it
13 is a quiet business, he doesn't have a problem. He wanted to make sure that water, septic, sewer,
14 everything is going to work because they don't want problems down the road.

15
16 Mr. Mankus asked who owned the parking lot. Mr. Hillsgrove stated he did. Mr. Mankus asked
17 if it was for that building. Mr. Hillsgrove stated it was for 31 Mooney. Mr. Mankus asked if
18 each resident got a space or two spaces. Mr. Hillsgrove stated each resident gets two spaces and
19 Norway Plains gets a lot of spaces because they have business trucks. He stated there's two
20 apartments and one commercial downstairs. Mr. Mankus asked if any of the vehicles would be
21 parked in any residents' spots. Mr. Hillsgrove stated they would not. He stated that that would
22 be what the section across the side of the building is for.

23
24 Mr. Menasky stated he did not know where their septic system is now but wondered if it would
25 affect that. Mr. Hillsgrove stated it would not. He needed to be five feet away from the edge of
26 the leach field and the leach field is over next to the bank parking lot. He stated the tank is right
27 behind his building. He stated he is away from that. Mr. Hillsgrove showed Mr. Menasky the
28 site map and where the septic is located. Mr. Mankus stated that Mr. Hillsgrove won't be
29 burdening the septic system because he's not putting in a bathroom. Mr. Hillsgrove stated that
30 was correct. Mr. Mankus stated that means the septic system will not be affected. Mr.
31 Hillsgrove stated that the water from the detail shop owner washing gets into the drain basin.
32 Mr. Menasky asked what separates that water once it goes in there from all the soaps and
33 chemicals. Mr. Hillsgrove stated that the catch basin has a separator (everyone speaking at the
34 same time). Mr. Hillsgrove shows Mr. Menasky the site map and describes where everything is.

35
36 Chair Lee wanted to address some of the points that Mr. Menasky brought up which was the
37 parking. He stated that even though it's not specifically depicted you pointed out on the map.
38 They discussed the sewage, and that there is no septic. They discussed the employees. He asked
39 how many employees there are at Krave. Mr. Hillsgrove stated right now it is only the owner.
40 Chair Lee stated they would access the 31 Mooney septic. He stated that people have mentioned
41 the flooding on Hutchins Circle. He didn't know if the flooding was directly abutting Mr.
42 Hillsgrove's property. He asked if the swale he was going to put in would facilitate any of that
43 towards the retention pond. Mr. Hillsgrove stated his driveway will all be graded. He stated
44 down where it meets Mooney, he did not plan to touch any of that, but he stated they could
45 probably make a better swale to get in there more. He is not paving that. The old tar was pretty

1 broken up there. He mentioned that is likely where the flooding is because it is all pretty flat.
2 He stated that driveway will have to come in and up because you don't want anything running
3 into the road at that point. Mr. LaRoche asked if once the driveway was put in it would not be
4 pitched towards Hutchins. Mr. Hillsgrove agreed. Mr. LaRoche asked if it would be pitched
5 towards Mr. Hillsgrove's property. Mr. Hillsgrove agreed. He stated that he would have to
6 connect to the pole and dig across that section already, so they could probably grade it a little
7 better to get it away from Hutchins.

8
9 Chair Lee asked if there was anyone else in opposition in the public that would like to come
10 forward.

11
12 Richard Ragonesi, 14 Hutchins Circle. He stated that as far as right now, the parking lot drains
13 into Hutchins Circle. He stated if you go there sometimes there will be a big puddle right across.
14 He had pictures for the Board to consider showing how many cars are in there during the day.
15 Mr. Mankus asked if the pictures were from the day of the meeting. Mr. Ragonesi stated they
16 were. He stated it looks like that every day. He stated that what the pictures show is how many
17 people are there during the day currently. There are apartments upstairs and also a business. Mr.
18 LaRoche asked if the pictures showed Mooney St. Mr. Ragonesi stated it did. Mr. Hillsgrove
19 stated that the pictures shows from Mooney St looking in. He stated his building is on the right-
20 hand side of that picture. Mr. Ragonesi stated there is a picture of the building as well. The
21 Board considered the pictures. Mr. Hillsgrove helped to explain what was depicted. Mr.
22 Ragonesi stated that the property belonged to the bank. Mr. Monziona asked if it was the old
23 rectory.

24
25 Mr. Monziona asked if the building where the detailing will be taking place is yet to be
26 constructed. Mr. Hillsgrove stated it has not been started at all. Mr. Monziona asked if it was
27 depicted on his site plan. Mr. Hillsgrove stated it shows proposed building. Mr. Mankus asked if
28 the parking lot was all his property. Mr. Hillsgrove stated that it was. Mr. Mankus stated that he
29 could put another catch basin right in front of the garage and connect it to the system, it's only 10
30 ft. Mr. Hillsgrove stated it would be pointless because they're so close. He stated two catch
31 basins are not needed within 10 ft of each other. Mr. Mankus stated it could be to catch the water
32 coming out of the garage, so it doesn't add to the parking lot. Mr. Ragonesi stated that right now
33 whatever goes in that parking lot comes out to Hutchins Circle. He stated that there is no
34 drainage that is working there. Mr. LaRoche asked if he was saying that the drainage is not
35 working. Mr. Ragonesi stated if you get rain, the road is flooded. Mr. Hillsgrove stated that
36 where Mr. Ragonesi is talking about does not run into his drainage because he has curbing all the
37 way around the driveway. Mr. Ragonesi stated that the whole area is all flooded with water. Mr.
38 Mankus stated he could see it is pretty flat and not much of a pitch there. There are puddles
39 everywhere. Mr. Hillsgrove stated that the parking lot goes into the catch basins. He stated that
40 along Hutchins Circle there's all grass and no catch basin per the Town there, and that does
41 flood. Mr. Ragonesi stated that they never had that problem until the parking lot was put in
42 there. He stated there used to be a day care or school at one time and ever since the parking lot
43 was put in the road got flooded. Mr. LaRoche asked if Moody floods as well. Mr. Ragonesi
44 stated that some of it does but mostly right on the side of Ricky Rines house. Mr. LaRoche
45 asked if any of it comes from Mooney St onto Hutchins. Mr. Ragonesi stated he was not sure.

1 He stated it builds up right on the side of Ricky Rines house on Hutchins. He stated that's where
2 it builds up for 20 ft or so.

3
4 Chair Lee asked if there were any other comments from the public who would like to come
5 forward in opposition.

6
7 Amy Madden, 13 Hutchins Circle, stated she would like to know where the driveway would be
8 in proximity to her house. She stated that what Mr. Ragonesi was referring to about the flooding
9 she likened to the Atlantic Ocean. She stated that it stays a long time after the rain. She is
10 concerned about overflow that may miss the catch basin. She stated that she grew up where the
11 laundromat destroyed the pond every summer and it smelled bad every summer. She stated there
12 was foam and soap from the laundromat. She is concerned about that type of thing going into
13 the catch basin. She mentioned that the last time that pond was full and the dam went and they
14 had all the water. She stated it took close to a week for that to settle out. She stated it did drain
15 out but it went into the pond below. She asked Mr. Hillsgrove about the direction the building
16 would go in. Mr. Hillsgrove showed Ms. Madden the site plan. Ms. Madden asked if the 50 ft
17 would go toward the pond. Mr. Hillsgrove stated it would. Ms. Madden stated her concern is the
18 runoff and the driveway which would be right near the Rines' yard. She stated she was worried
19 about the puddle and the draining.

20
21 Chair Lee asked if anyone else would like to come forward in opposition.

22
23 Melissa Erikson, 14 Hutchins Circle, stated she had some concerns with the drainage because
24 during rain or snow, once it melts it goes all the way across Hutchins Circle, where Ricky Rines
25 house is it goes all the way back to a portion of where our house is located all the way across to
26 the parking area. She mentioned that it freezes and can take up to a week for the water to go
27 away. She had questions about where the entrance would be for the driveway, which Mr.
28 Hillsgrove said would be on Hutchins Circle. Mr. Hillsgrove showed Ms. Erikson the site map
29 and explained where everything would be. Ms. Erikson stated that that would affect their view.
30 She stated the other concern she has is she has driven down Main Street to see where Krave is
31 currently. She stated he cleans boats, trucks, and the water pressure that is being used might
32 affect their area as well. She commented about customer parking. Mr. Hillsgrove explained that
33 there will be parking along the side. Mr. Hillsgrove stated that that is just a storage door. He
34 stated the big door here is where all the vehicles will be going in and out. Ms. Erikson asked
35 how big the building was. Mr. Hillsgrove stated 28' wide x 50' and 23' to the peak.

36
37 Ms. Erikson stated that Mr. Hillsgrove indicated that there won't be a bathroom in the building.
38 She stated that that means that whoever is working there or a customer who need to use the
39 bathroom would have to walk across to 31 Mooney St to utilize that. Mr. Hillsgrove stated the
40 septic is big enough that he can put a bathroom in he just didn't propose to do one. He stated the
41 office area can have a bathroom. Ms. Erikson stated that the septic is planned for the people that
42 are currently in there in the apartments, commercial. Mr. Hillsgrove stated they are. He stated
43 that it's big enough to handle it.

44 Ms. Erikson stated she was concerned about snow plowing and wanted to know where they
45 would put the snow. She said it would likely go in the corner near Amy's house where it gets

1 very narrow when they plow the road currently. She asked if they were going to take out any of
2 the trees that are along that road to put in this extra driveway. Mr. Hillsgrove stated he may need
3 to take down one of them, but the rest would stay. He believed there were four trees. Ms.
4 Erikson asked if there enough variance from the road where the current – Mr. Hillsgrove
5 stated ??? 25 ft from Hutchins and he can't encroach that. He stated that it goes up to 25'. Ms.
6 Erikson asked if the building is going to be right at that line. Mr. Hillsgrove stated it would be,
7 off of Hutchins Circle. He showed her the 25 ft setback line.
8

9 Chair Lee stated that that is the setback Mr. Hillsgrove has to abide by. Mr. LaRoche stated
10 that he can't go closer than that. Chair Lee asked Mr. Hillsgrove with regard to the snow how is
11 it currently handled. Mr. Hillsgrove stated that right now they plow it all down to the end. He
12 stated that the proposed building would be the same thing, the would plow all the way down to
13 the end. He demonstrated on the map how he would do it.
14

15 Ms. Madden returned to ask where the doors would be for the bays. Mr. Hillsgrove
16 demonstrated on the map. Ms. Madden asked if all of the grass would be gone. Mr. Hillsgrove
17 stated not all of it would be gone. He stated there is 15 ft to allow for parking near the building.
18 Ms. Madden stated that the water pipe goes right in the middle of that. Mr. Hillsgrove said he
19 didn't know. He stated sometimes they're on his side sometimes they're in the middle.
20

21 Chair Lee asked if anyone else would like to come forward in opposition. There were none.
22 Chair Lee closed to public input. He thanked the public and explained that this is why the Town
23 has these meetings. He stated everyone gets to be heard with regards to the proposal.
24

25 He stated that there's other criteria that Mr. Hillsgrove has to meet through the Planning Board.
26 He stated this is in the overlay district. Whether this is approved or not Mr. Hillsgrove still has to
27 walk through some steps and it takes a lot of scrutiny once they talk about the water table. In his
28 opinion it sounds like there's a preexisting condition with some flooding on those streets. He
29 stated that is something that the Town is going to have to address at some point. He asked Mr.
30 Hillsgrove if he was going to have to take at least one tree out as one of the women asked. He
31 stated he knew Mr. Hillsgrove is not new to developing. He asked what he could do to reassure
32 the people that the cosmetic look and trees are would not be lost, especially since the trees are
33 important in flooded zone. Mr. Hillsgrove stated if he has to move a tree, he could plant one a
34 little closer to the next one. He stated they are spaced out pretty well right now. He was going to
35 try to make the driveway go in between them. He stated he hasn't been able to stake anything
36 because of the snow. He stated he was trying to be upfront that one tree might have to go. He
37 stated he might be able to put one further down.

38 Chair Lee stated maybe he's naïve to this and maybe someone on the Board, Paul LaRoche, he
39 stated his understanding looking at the driveway which would have a natural swale to it anyways
40 might actually help facilitate some of this flooding, alleviate some of this flooding on Hutchins
41 Circle. Mr. Hillsgrove stated that when he connected to the power he would have to connect to
42 that pole which is on the corner anyways. He planned to be digging down the edge of the street
43 and stated he could make a little swale to help get some. He stated he would need to get it out of
44 there somehow whether he went into his catch basins or across his driveway. He wasn't sure if
45 there was enough pitch to get all the way around so he might have to end up going towards the

1 catch basins. Chair Lee stated it's just a matter of being a good neighbor since Mr. Hillsgrove
2 has now heard the concerns of his neighbors, which are valid.

3
4 Mr. LaRochelle had a few questions. He asked how long the parking lot had been there. Mr.
5 Hillsgrove stated the bank bought it in the early 2000s. He stated when they converted it, they
6 took down a house and that was when the parking lot was made. He believed it was made in
7 2004 or 2007. He knew his septic design was possibly 2007. Mr. LaRochelle asked as far as the
8 proposed building is 28x50, and 23 ft to the peak. Mr. Hillsgrove stated it is a 14 ft wall and a 6
9 pitch, so if you go in the middle 14 ft, 7 ft he was figuring just a couple of extra feet to be safe,
10 22-23 ft.

11
12 Mr. LaRochelle asked what the intent of the building was. He asked what Mr. Hillsgrove what
13 materials he is using so the neighborhood would know. He asked if it was going to be
14 constructed of wood. Mr. Hillsgrove stated it would. Mr. LaRochelle asked if it would have
15 typical siding on it. Mr. Hillsgrove stated it would be 2x6 and then typical siding, good garage
16 doors, asphalt shingles, architectural shingles. He stated it would be similar to what is seen on a
17 house. Mr. LaRochelle asked if it would look more like a residential home than a commercial
18 building. Mr. Hillsgrove stated yes. Mr. LaRochelle if he would be staying in those guidelines.
19 Mr. Hillsgrove stated he would. He stated he was not going to do any metal. He stated it is not
20 the place for it. Mr. LaRochelle asked if there would be windows. Mr. Hillsgrove stated there
21 would be two windows on either side, a typical 6 over 6, double hung window. The garage doors
22 will have one row of windows in it, typical white garage door.

23
24 Mr. LaRochelle stated that Mr. Hillsgrove still needed to have a site plan review to determine
25 number of parking spaces that would be on the side of that building, because Mr. Hillsgrove is
26 not using any of the other parking spaces because those are dedicated to 31 Mooney St. Mr.
27 Hillsgrove agreed. Mr. LaRochelle stated he would he parking on the side of the building and
28 also the option of putting some of those vehicles in that building that's probably the reason he's
29 going 14 ft walls. Mr. Hillsgrove agreed. He stated 12 ft door so a boat can go in. Mr.
30 LaRochelle asked if Mr. Hillsgrove knew how many gallons a day the septic system currently
31 accepts. Mr. Hillsgrove was unsure. When he did the apartments upstairs, they needed to make
32 sure and it was fine for all of that. He stated it had a little extra. He did not know the gallon per
33 day at the moment.

34
35 Mr. Mankus asked how many apartments in the apartment building. Mr. Hillsgrove stated that
36 upstairs there's three bedrooms and then there's a studio and offices downstairs. He stated the
37 office gets 150 per day or something. Mr. Mankus asked what the structure would be considered.
38 Mr. Hillsgrove stated it is a mixed-use right now, commercial residential but it doesn't say how
39 many bedrooms because – Mr. Mankus asked how many (toilets?) are in it. Mr. Zuzgo stated it
40 doesn't matter how many toilets are in it. Mr. LaRochelle agreed. He asked if Mr. Hillsgrove
41 knew what the gallons per day are or can figure that out. Mr. Hillsgrove stated he had it all
42 figured out when he did the three-bedroom apartment upstairs because he had to make sure of it
43 before he did it. Mr. Zuzgo stated the business will only add 20 gallons a day per employee.
44 Mr. LaRochelle asked if Mr. Hillsgrove was sure how many employees there would be there.
45 Mr. Hillsgrove stated that the business owner has been the only employee. He stated that is not

1 to say that he does not have help on occasion. Mr. Monziona stated that once this is in place,
2 somebody could come with three employees and run it. Mr. Zuzgo speaking off mic. Mr.
3 Monziona stated he thinks they have to do that now. ??? Mr. Monziona stated that if Mr.
4 Hillsgrove gets an approval to do a detailing shop there, the Board can't base it on only one guy
5 can be in the detailing shop. The Planning Board and the ZBA are going to restrict it to one guy,
6 maybe if they put that condition in. If they've got a detailing shop and some other guy takes it
7 over and he's got four employees he can still run his detailing shop. He stated that they don't
8 know who is going to be in there. When they make their decision they have to factor in what the
9 future could be. He stated it is not going to be Dave by himself for the rest of the time. He
10 asked if the special exception Mr. Hillsgrove was seeking was to allow this type of use in the RC
11 zone. He stated Mr. Hillsgrove already has a commercial use on this lot. He stated what he is
12 doing is put two commercial uses on the same lot, in other words, whatever the commercial use
13 is for your building as it currently exists this is an additional commercial use to build the
14 structure to house that commercial use and put both of those uses on one lot in the RC zone. He
15 asked if Mr. Hillsgrove knew whether that was permitted, to have more than one commercial
16 enterprise going on on one lot. Mr. Hillsgrove stated that the building was a lawyer upstairs and
17 Norway Plains downstairs so there were two different businesses going on at that time. He stated
18 he was unsure if it was legally done or not. He stated it was before his time. There were multiple
19 commercial uses going on.

20
21 Mr. Monziona stated that in the Table of Uses if you have office building, you might have a CPA,
22 a lawyer and somebody else all in the same building. He stated it does restrict the type of office
23 facility or business facility. He stated that Mr. Hillsgrove has a completely different use here,
24 automotive washing that is now coming on to the same lot and you're building a new structure to
25 house that separately from the commercial entity that's already on there. He was just asking
26 because he didn't know the answer. Mr. Hillsgrove stated he did not know the answer. Mr.
27 Monziona stated it may be a concern that he has and it may not matter. It is a question he has
28 before they grant the special exception, how many mixed type uses, two different uses from the
29 use table going on one lot and also building a structure for another.

30
31 Chair Lee stated there could be a condition that they put on for the Planning Board that they want
32 to make sure they get approval for these two commercial uses. Mr. Monziona stated the
33 Planning Board wouldn't have authority to permit a use that isn't otherwise permitted by Zoning.
34 He stated Mr. Hillsgrove would have to come back and seek another variance to allow two
35 businesses to exist on one lot. He stated he could be bringing up an issue that is totally
36 unnecessary. He stated it's an issue that this application raises for him in granting it. He stated if
37 they grant it and then you do it and somebody comes along and says you allowed an unlawful
38 use because he's got two and he never got a variance. He stated they just want to do it right the
39 first time.

40
41 Mr. Mankus stated that Mr. Hillsgrove said they would enter this business via Hutchins Circle
42 and he also said they would be detailing boats. Mr. Hillsgrove said yes. Mr. Mankus stated if
43 they're going to come in from Hutchins Circle and back it into that garage which means they're
44 going to go all the way up the parking lot and back down in. Mr. Hillsgrove said they're going to
45 back off the road into the garage and back it into the parking lot next door and then they can take

1 it and pull it out. Mr. LaRochele asked if there was enough room there. Mr. Hillsgrove stated
2 yes. Mr. Mankus asked if they would back it in and jackknife it into the building off of Hutchins
3 (Circle). Mr. Mankus asked if it is only 10 ft from the front of the building to that catch basin.
4 Mr. Hillsgrove stated the two parking lots are going to become one at that catch basin.

5
6 Chair Lee reopened the hearing to public input.

7
8 Ms. Erikson wanted to address the discussion about the entering for the boats. She was unsure
9 how they would make that curve to get the truck and the trailer and back it in due to the road
10 being very narrow. Mr. Mankus stated he was thinking the same thing. Mr. LaRochele stated
11 that would definitely be an issue.

12
13 Chair Lee closed the meeting to public input. He asked if there was anything further from the
14 Board. Mr. Monziona stated they were just having a discussion where they probably couldn't be
15 heard but they were talking about the issue that he raised about multiple structures with different
16 commercial uses on the same lot. They were pointing out that they do have lots on Main St. that
17 have one lot with different structures with different types of commercial uses going on. He said
18 Robin was looking. They couldn't see anything specifically and as of right now they don't have
19 any information that it wouldn't be allowed.

20
21 Chair Lee began working on the worksheet.

22
23 *The Board must find that all the following conditions are met in order to grant the Special*
24 *Exception:*

25
26 Mr. Lee stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in
27 the Article 500 Section 520.B. The Board agreed.

28
29 Mr. LaRochele stated the specific site **is** an appropriate location for the use only because it is
30 in the RC zone and there are commercial buildings there on the property now. He believes it is
31 a good location other than being an aquifer and retention pond. He stated there would
32 definitely have to be some conditions applied in this case. He stated that this being a special
33 exception for the RC zone it is an allowable use in this district with the special exception but
34 with conditions. Mr. Monziona was not sure. He agreed that it is an appropriate location given
35 the uses that are happening there, but he was not sure if this particular location for that
36 building, the driveway with aquifer issues, retention pond issues the amount of flooding and so
37 forth. He didn't feel he had enough information in front of him at the moment to say it is. He
38 stated he could not necessarily find that it is not an appropriate location because he has no valid
39 evidence to show that either. He stated therefore that the location **is not** an appropriate
40 location. Mr. Mankus stated that he also believes it **is not** an appropriate location. He stated
41 the building is allowable for commercial for a hair salon or lawyer's office but a lot this small
42 with a small neighborhood which sounds like its residential neighborhood and moving good
43 sized boats in and out of a very tight parking lot poses a safety issue and tension between the
44 neighbors with this business right around the corner. He stated it **is not** an appropriate

1 location. Chair Lee stated the specific site he believed it was but the further they got into the
2 discussion, especially the manipulation with the parking and orchestrating that, he believes it **is**
3 **not** an appropriate location.
4

5 Mr. Monziona stated that factual evidence **is not** found that the property values in the district
6 will be reduced due to incompatible land uses. He knew there were some concerns from
7 neighbors, but he is not sure that the information that was provided is sufficient to establish
8 property values would be reduced. He feels this is an incompatible use because based on the
9 residential use there was no sufficient evidence in front of them, in his opinion, to establish that
10 the values would be reduced. Mr. Mankus stated factual evidence **is not** found. Chair Lee
11 stated he believed as well that factual evidence **is not** found that property value will be
12 reduced. He stated nothing has been put forward as far as demonstrable evidence showing that
13 the property value would be reduced. Mr. LaRochelle stated that he also agreed that factual
14 evidence **is not** found. He stated nothing has come forward to say that it will diminish any
15 property values. He stated that there's no evidence in any way that it is going to do that.
16

17 Mr. Mankus stated that **there is**, without a doubt, some valid objection from the abutters based
18 on demonstrable fact. He stated the board heard some pretty good arguments from the
19 abutters. Chair Lee stated he agreed that **there is** valid objection from the abutters. They
20 brought forward their case in a very professional and courteous manner. They all had
21 questions, and all basically surrounded the same point, that there is a water table issue in that
22 neighborhood and now we are proposing to add a detailing shop. Although it is not going to be
23 like a car wash they certainly had a valid objection. Mr. LaRochelle stated he also agreed that
24 **there is** valid objection. He stated they heard testimony from several abutters with concerns of
25 water and concerns for the retention pond and concerns for contaminants of any kind going
26 into the aquifer protection. He believes their objections are valid and should be listened to.
27 Mr. Monziona stated he agreed **there is** valid objection from abutters.
28

29 Chair Lee stated he believed **there is** undue nuisance or serious hazard to pedestrian or
30 vehicular traffic, including the location and design of access-ways and off-street parking. He
31 stated if this was simply an added commercial facility even though there's only one employee,
32 orchestrating the parking of large vehicles, large boats as was mentioned. He stated that as
33 they see on Main St, many of the boats over 15-25 ft in length. Main St has a very unique
34 situation where there's a pull through driveway on a commercially zoned property strictly for
35 that, which makes the access a lot easier. Mr. LaRochelle stated he agreed. He believes **there**
36 **is**. He stated trying to get large vehicles down Hutchins Road and especially if they had to
37 back in, that would mean they would have to back in beginning from Mooney St. He stated if
38 there was access from Mooney St. to the parking lot without creating a driveway on Hutchins
39 that would be a different story.
40

41 Mr. LaRochelle stated adequate and appropriate facilities and utilities **will** be provided to
42 ensure the proper operation of the proposed use or structure. He stated that is something that
43 would have to be taken care of through the gallons permitted per buildings. He stated this will
44 have adequate and appropriate facilities and utilities. Mr. Monziona stated he feels there **is not**
45 adequate area for safe and sanitary sewage disposal and water supply because those things are

1 an open question currently in terms of the amount of water supply, where it would come from
2 and whether it would cause a problem on the newly paved road. He stated it could be
3 addressed. Disposal of that wastewater from the operation even though it's not a massive use,
4 it still has not been adequately laid out in terms of would there be potential issues with
5 contaminants in an aquifer and/or pond. He had to conclude that there is not. Mr. Mankus
6 agreed. He stated at this point in the process he would say there **is not**. He stated there's some
7 research that has to go into this and some studies need to go in to see if it's even capable of
8 accepting that type of a business. He stated from what he's seen there **will not** be adequate and
9 appropriate facilities and utilities. Chair Lee stated he was in agreement with that.

10 Mr. Monziona stated there **is not** adequate area for safe and sanitary sewage disposal and
11 water supply. He mentioned earlier those are open questions right now how that would be
12 handled. He stated if it is not presented so that the Board can look at it and know what's
13 happening, specifically with water, where it's going and so forth, unless they have specific
14 information it is hard to conclude that it's all going to be okay. He stated, for that reason, it is
15 not. Mr. Mankus agreed. Chair Lee stated that a question was posed by pretty much every
16 abutter in regards to the safe and sanitary sewage disposal and water supply. He stated Mr.
17 Hillsgrove detailed the six-inch main coming in and how he would accommodate manipulating
18 that and work through it but right now it seems to be it's not an adequate area for safe and
19 sanitary sewage for that retention pond. Mr. LaRochelle agreed.

20
21 Mr. Mankus stated the proposed use or structure **is not** consistent with the spirit of this
22 ordinance and the intent of the Master Plan. He felt this proposal was trying to squeeze the
23 wrong type of business into a congested residential area and did not believe that to be the idea
24 of the Master Plan. Chair Lee stated they are looking for any and all small businesses. He
25 stated that to shoehorn this business into an area that has too many concerns, one with parking
26 for the current building and then the parking issue with the vehicles involved. He stated he
27 knows the gentleman who runs the business and that he does a very good job. There's no
28 question about the integrity of the people coming forward here or proposing this. He did **not**
29 feel it is in the spirit of the ordinance and intent of the Master Plan. Mr. LaRochelle stated he
30 agreed. He definitely wanted to encourage business and that is part of the Master Plan to
31 encourage businesses. He stated that the business needs to be consistent with its surroundings
32 and for the Master Plan. He stated there are better locations for this type of business and he
33 does **not** feel this is consistent. Mr. Monziona stated he agreed. The proposed use is a good
34 use. He believed that type of business is consistent with the spirit of the ordinance and intent
35 of the Master Plan. He stated that given this location it makes it **not** consistent.

36
37 Chair Lee went through the criteria. He stated that in regards to acceptance it was unanimously
38 approved four votes, yes. With regard to appropriateness it was three No votes and one in
39 favor. Value was four votes, unanimously yes. Abutters, four votes unanimously opposed.
40 Nuisance, four votes, unanimously opposed. Facilities, three votes opposed, one in favor.
41 Sewage, four votes, unanimously opposed. Intent, four votes, unanimously opposed. He asked
42 Mr. Monziona to frame the motion.

43
44 **MOTION: To NOT APPROVE the Special Exception for Case #Z26-07. Motion by Mr.**
45 **Monziona. Mr. Mankus SECONDS. Board votes unanimously.**

| | | |
|---|---|---|
| <p>Case #Z26-08 Shawn Hillsgrove, Agent for 47 Loon Cove, LLC, Owner</p> | <p>Map 50 Lot 36 47 Loon Cove</p> | <p>Variance Equitable Waiver Lakeshore Residential (LR) Zone</p> |
|---|---|---|

- 1 **1. Variance** is requested from **Article 300 Section 320.E.1** of the Zoning Ordinance to
- 2 permit expansion of a structure from converting a porch to living space.
- 3 **2. An Equitable Waiver** is requested from **Article 300 Section 327.A** of the Zoning
- 4 Ordinance to permit the encroachment of existing structures in setbacks.

5
6 **MOTION: To ACCEPT the application for a Variance and Equitable waiver for Case**
7 **#Z26-08. Motion by Mr. Mankus. Mr. LaRochelle SECONDS. Board votes unanimously.**
8

9 Paul Zuzgo stated they were before the Board seeking a Variance for the building that's in the
10 bottom right-hand corner. The lot is existing. There are five trailers and a house on this lot. He
11 stated Mr. Hillsgrove went through a lot with the State to get the septic system approved. He had
12 to go through a lot to prove that these things have been here for a long time. Four of the trailers
13 are owned by someone else who rents the land from Mr. Hillsgrove. Mr. Hillsgrove owns one
14 trailer in the corner. Mr. Hillsgrove wants to replace it with a stick-built house in the same
15 footprint but he's going to be changing the porch area into living space. That is why they needed
16 the variance. With regard to the equitable waivers, most every trailer is within the setbacks. He
17 stated they were getting permission for that while they were already there for the variance.
18

19 Chair Lee asked if he heard correctly, Mr. Hillsgrove owns the property, and one existing trailer
20 is where he wants to make the changes. Mr. Hillgrove agreed. Chair Lee stated somebody else
21 owns the other four (trailers). Mr. Zuzgo stated that the trailers themselves are owned by other
22 people. Mr. Hillsgrove still owns the land. The trailer owners rent the land. Mr. Mankus asked
23 which trailer they were talking about. Mr. Zuzgo demonstrated bottom right on the map. Mr.
24 Zuzgo believed they submitted building plans with their application. It would be in the same
25 footprint. Mr. LaRochelle asked about the existing house in the middle. It is not a trailer. Mr.
26 Zuzgo stated that the house has been there forever.
27

28 Mr. LaRochelle stated it is a stick built. Mr. Zuzgo stated that B&M built that. He stated that is
29 where they housed their workers when they built the railroad. He stated when the railroad was
30 done, they sold it. That is what's on the 1924 plan, it shows the existing house on it. Mr.
31 LaRochelle asked if Mr. Hillsgrove owned that as well. Mr. Hillsgrove stated he does. Mr.
32 LaRochelle asked if he rented that out. Mr. Hillsgrove stated he does. Mr. LaRochelle asked if
33 they were before the Board for a variance for the proposed building of removing the trailer and
34 building the stick built and reusing the porch area for a living space. Mr. Zuzgo agreed. Mr.
35 Mankus asked if the structure Mr. Hillsgrove would build would have the same bathroom. Mr.
36 Hillsgrove stated it would be the same. It is a two bedroom. That is what the septic was sized
37 for and that's what's existing there now is a two bedroom. It would stay a two bedroom and one
38 and a half bath. Chair Lee asked for a height differential. Mr. Hillsgrove stated he measured it
39 and it is 18 ft to the peak. It would probably add about 7 ft to that. Mr. Zuzgo stated it would
40 not exceed 35 ft, which is allowed. Mr. Hillsgrove stated it would be a walkout first floor and a
41 second floor.

1 Mr. Mankus asked where the lake was in relation to the property. Mr. Zuzgo stated that the lake
2 is to the left. Mr. Mankus asked if Mr. Hillsgrove would be blocking anybody's view. Mr.
3 Zuzgo stated it would be Loon Cove. Mr. LaRochelle asked if the trailer that is being removed is
4 more than 10 ft or 10 ft from the side setback. Mr. Zuzgo stated right now it is within the
5 setback. He stated that in the proposal when he rebuilt, he's going to twist it so it's not. The
6 equitable waivers are for the other trailers. This one would be conforming. Mr. LaRochelle
7 stated that this would be made fully conforming, but you are going to tweak it and not just build
8 on the same footprint. Mr. Zuzgo stated the building will be the same footprint, but it would be
9 tweaked ??? Mr. LaRochelle stated he did ask about that and it was stated that the trailer would
10 go right on top where the other one was.

11
12 Mr. Monziona asked how long the trailers have been on this lot. Mr. Hillsgrove stated late 1950s
13 to early 1960s. Mr. Monziona stated that was long before zoning. The trailers all got put on this
14 lot along with that 1924 structure before that. He stated that Mr. Hillsgrove bought it with all of
15 these trailers and that structure. Mr. Hillsgrove agreed. Mr. Monziona stated Mr. Hillsgrove now
16 has one trailer he wants to replace, rebuild in the same footprint, expand it upwards, but rebuild
17 in same footprint. He stated that Mr. Hillsgrove wants to convert a porch to living space. He
18 stated that that is the reason for the variance for the porch. He asked what about the idea of
19 razing a non-conforming structure and replacing it. He asked if a special exception was needed
20 for that. Mr. Zuzgo asked why. Mr. Monziona stated he didn't know. Mr. Zuzgo stated it's
21 within the footprint and you're allowed to build 35 ft. Mr. Monziona stated he understood that to
22 be true. He stated what he is saying is, the voluntary removal of a non-conforming structure and
23 the rebuilding of it has a zoning ordinance that governs that activity. It requires a special
24 exception. It is getting voted on next week. He stated you can expand it, which is what it was
25 and then ZAC decided to change it to something else and now it's being changed back to make it
26 better. He stated he still believed that if you're going to voluntarily raze a non-conforming
27 building you have the right to rebuild it under special exception, you probably won't need the
28 variance for the porch because now the special exception is going to allow – although you would
29 because you're going off the footprint.

30
31 Mr. Zuzgo stated he asked the same question because he saw the proposed amendments. Mr.
32 Monziona stated Mr. Hillsgrove is in the footprint and just expanding the living space. He stated
33 Mr. Hillsgrove is taking the non-conforming building out and putting a better building in the
34 footprint and expand it upward a little bit. He believed he should be all set. It is a trailer. Mr.
35 Zuzgo stated that is not allowed in that zone. Mr. Monziona stated it isn't allowed but for
36 purposes of this, since he's going to be able to rebuild it and replace it, it should be treated as a
37 non-conforming structure instead of a trailer. He stated the other thing you run into is to the
38 extent that you can make it less non-conforming by making it other than a trailer. Mr. Mankus
39 stated you can legally change the use of non-conforming uses. Mr. Monziona stated not use, but
40 structure. Mr. Mankus stated that Mr. Hillsgrove is keeping the structure the same but he's
41 changing the use of the porch into living quarters. He stated that is legal. It is a legally existing
42 non-conforming use may be changed to another non-conforming use provided the ZBA finds that
43 granting a special exception is warranted because changing use will equally or more appropriate
44 to the district or the neighborhood of the existing non-conforming use based on consideration
45 such as but not limited to noise vibration dust etc, etc.

1 Mr. Zuzgo stated he asked about this when he came in and asked what to apply for. He was told
2 to do the variance. He asked if he had to come back after and get a special exception. Mr.
3 Monziona stated that the variance is to convert the porch into a living space. Mr. Mankus stated
4 it was an alteration of a non-conforming structure. He stated non-conforming structure may be
5 enlarged or altered in a way that increases the non-conformity. He stated conversion of a deck or
6 porch or patio in the setback to a living space shall be considered to be an increase in non-
7 conformity.

8
9 Chair Lee stated that right under that Section E1 which is noted in the variance on Section E2,
10 this is a replacement, it's not an alteration. He stated that the replacement of a non-conforming
11 structure may be allowed by special exception to Paul Monziona's point, if the replacement is
12 required due to obsolescence such as structural deficiency or inability to meet the current New
13 Hampshire State Building Code, square footage will not be increased. He stated the replacement
14 shall be voluntary moved or relocated to the extent feasible to reduce the non-conforming aspects
15 which is what the parties are doing.

16
17 Mr. Monziona stated that right now on the Board's sheet that they've been given under Section
18 320E, Non-Conforming Structure, 'no non-conforming structure may be enlarged or altered in
19 any way which increases non-conformity'. He stated that Mr. Hillsgrove is here for a variance to
20 get around Section 320E. Mr. Zuzgo stated it is a little confusing. Mr. Monziona agreed. Mr.
21 Larochelle agreed. Mr. Monziona stated the conversion of a deck, porch or ??? shall be
22 considered to be an increase in non-conformity. Mr. Zuzgo questioned what they should apply
23 for, and what said they applied what they were told to apply for. The applicant is looking to take
24 the trailer down and replace it. Mr. Zuzgo stated they were only improving it. He stated a
25 Special Exception encourages just that. He stated that is the whole reason it was written is so
26 people didn't have these old, dilapidated structures sitting near the lake. He stated they wrote it
27 so people could come in, tear them down and put up nice, brand new, safe, building-code
28 compliant structures. He stated that is what the applicant is trying to do. Mr. Zuzgo stated that
29 his plan is each time the trailer is going to get sold he is going to buy it and he's going to do the
30 exact same thing. Mr. Monziona stated it is a great application and a great plan for this structure.

31
32 Chair Lee asked Mr. Monziona if it would be best to have a continuance on this case, no charge
33 to the applicant, and then have Town Counsel look at this. He stated they can't sit there and
34 rewrite. Mr. LaRoche stated they cannot. Mr. Zuzgo stated that even the amendments don't fix
35 it, the one they're voting on next week. Mr. Monziona stated the new one would most likely. He
36 would have to look at it again but he stated he thinks they're bringing it back to the way it was,
37 which meant if you wanted to take a non-conforming structure, such as this, tear it down
38 voluntarily and rebuild it, you can do it. You can even expand it and you make it less non-
39 conforming if you can which Mr. Hillsgrove is doing in so many ways.

40
41 Mr. Zuzgo stated that instead of coming in for a variance they would be asking for a special
42 exception. Mr. Monziona asked why he felt he needed equitable waivers. They're grandfathered.
43 Mr. Zuzgo stated that he was told "grandfathering" wasn't a word here. He agreed, they are
44 grandfathered. If you're going to want to do anything to them, then you change them. Mr.
45 Monziona stated it is good to cover this; it's a smart move. Mr. Zuzgo stated he applied for what

1 they were told to. Mr. Monzione stated he felt if they are all grandfathered, they were put there
2 before zoning. The only thing you're doing is trying to deal with one of the structures and it's a
3 non-conforming structure. You want to voluntarily take it down and rebuild it and improve it and
4 it's not going to be non-conforming other than it will still be non-conforming because it's more
5 than one on the same lot.

6
7 Mr. Monzione stated that any time they do anything at the Christian Conference Center they have
8 to come to the ZBA because everything on that lot is non-conforming because there's so many
9 structures. He stated that the same is true here. He was not sure Mr. Hillsgrove needed the
10 equitable waivers.

11
12 Chair Lee stated he understands the point is Mr. Hillsgrove is trying to clean it up going forward.
13 Mr. Zuzgo stated that every time they've come to these meetings they've been told they have to
14 fix it all. Chair Lee asked Mr. Monzione hypothetically if proposed change being voted on does
15 not pass next Tuesday, the new language, what is the guidance that the Board can give them
16 going forward so they're not continually tossing this ball around. Mr. LaRochelle stated Special
17 Exception. Mr. Monzione stated it might be a combination of two things, special exception to
18 rebuild it and a variance to expand it. He might need both of those things – Mr. LaRochelle
19 stated that is what he recalls in a lot of cases. He stated Mr. Monzione brought up Christian
20 Conference Center and a lot of the cases it was a special exception and a variance.

21
22 Mr. Monzione stated that after that special exception got rewritten everybody had to come in
23 whereas before you just came in with a special exception and you could expand it and redo it.
24 He stated after it got rewritten everybody came in with a special exception and a variance
25 because they needed to get around the thing that says you can rebuild it, but you can't expand it.
26 Chair Lee stated there is no harm or foul if they came back the following month regardless of the
27 vote and asked for a special exception and then asked for a variance regardless, they're covered.
28 Mr. LaRochelle stated yes. Mr. Monzione agreed. He stated if the people vote it in then you
29 would only need a special exception. Mr. Zuzgo stated one special exception for that structure.
30 Mr. LaRochelle that's what it's going to look like. Mr. Monzione stated just for that structure.
31 Chair Lee stated if it doesn't get voted in then you apply for both. Mr. Zuzgo asked if it didn't,
32 they would come back and do what we just did. Chair Lee stated, no, a special exception and
33 then a variance. Mr. Zuzgo stated, just for that structure. The Board agreed. Mr. Zuzgo stated
34 no equitable waivers or anything else. The Board agreed.

35
36 Mr. Zuzgo stated there have been numerous times when he has done subdivisions or boundary
37 line adjustments and has come in to get an equitable waiver for a house that was there for 200
38 years and it's in the front set back. Why? Chair Lee stated they've been there, they've witnessed
39 it. Chair Lee stated if they could ask for a continuance if that is what they would like to do then
40 they can go forward and there will be no added cost to you for application purposes. Mr.
41 Monzione stated he is only one person, one vote, but he looks at this and he's thinking does this
42 need a special exception or not. Mr. LaRochelle stated that he agreed with him that waiting until
43 after the elections to find out whether you come back for a special exception. Mr. Zuzgo stated if
44 they vote it in, it's just a special exception. If they don't it's a special exception and a variance.
45 Mr. Monzione stated that is what he thinks but you would have to look at the language. Mr.

1 Monziona stated that's why he asked if he had to come back next month when you vote it in to
2 get a special exception. Chair Lee asked if they would like to move forward with a continuance.
3 Mr. Zuzgo stated they would like to continue to the next meeting. Mr. LaRochelle asked when
4 the next meeting would be. Chair Lee stated April 9th 2026.

5
6 Chair Lee stated that Case#Z26-08 will be continued until April 9th.

7
8 **MOTION: To CONTINUE Case#Z26-08 to next month's hearing on April 9th 2026.**

9 **Motion by Mr. Monziona. Mr. LaRochelle SECONDS. Board votes unanimously.**

10
11 Mr. Zuzgo mentioned that in regard to an earlier case, he heard that the State is trying to mandate
12 that municipalities will allow building on Class VI roads. He asked if the Board had heard that.
13 Mr. LaRochelle said no. Mr. Zuzgo stated he heard there was a bill that was coming up. He
14 stated that there was also a bill to spank all of the towns that have 5 AC minimum building lots.

15
16 **1. Previous Business:** None

17 **2. New Business:** None

18 **3. Approval of Minutes:** ZBA meeting minutes of January 8th, 2026 and February 5th,
19 2026.

20
21 Chair Lee stated that in the January Minutes there was one area that needed to be corrected.

22
23 **MOTION: To APPROVE the Minutes for January 8th, 2026. Motion by Mr. LaRochelle.**
24 **Mr. Mankus SECONDS. Board votes unanimously.**

25
26 Chair Lee stated on the minutes for February 5th he did not see any concerns. Mr. LaRochelle
27 stated it was correct.

28
29 **MOTION: To APPROVE the Minutes for February 5th, 2026. Motion by Mr. LaRochelle.**
30 **Mr. Mankus SECONDS. Board votes unanimously**

31
32 **MOTION: Mr. LaRochelle MOTIONS for adjournment. Mr. Monziona SECONDS.**
33 **Board votes unanimously.**

34 Under new business category, Mr. Monziona stated that he believes it might be best for him to sit
35 it out for a while. He didn't feel he needed to fully resign but he felt he needed to sit it out until
36 his matter has been fully adjudicated. He stated it is pending.

37
38 *ADJOURNMENT*

39 Chairman Tom Lee

40
41 Respectfully Submitted,

42 Sandra Monaco, Recording Secretary