

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, May 7, 2026, at 6:01 PM
Alton Town Hall**

MEMBERS PRESENT

Frank Rich (Chair & Member)
Tom Lee (Vice Chair)
Paul LaRochelle, Member & Selectman's Representative
Paul Monzione (Alternate & Member)

OTHERS PRESENT

Robin McClain, Planning & Zoning Assistant
Valerie & Alan Silberberg
John Flueckiger
Julie & Paul Mason
Sid & Lynette Tyner
Ann Norman Sydou & Jeff Sydou
Debbie Barnes
Monty & Nita Rudd
Crystal Eastman Varney
Shawn Hillsgrove
Paul Zuzgo

CALL TO ORDER

Mr. 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. Lee
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

MOTION: To APPROVE the Thursday, May 7, 2026 meeting. Motion by Mr. Lee. Mr. LaRochelle SECONDS. Motion passed unanimously.

1. CONTINUED APPLICATION

Case #Z26-08 Shawn Hillsgrove, Agent, 47 Loom Cove, LLC Owner,	Map 50 Lot 36 47 Loom Cove	Variance and Equitable Waiver Lakeshore Residential Zone (LR)
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A **Special Exception** is requested from **Article 300 Section 320.E.2.D** of the Zoning Ordinance to permit the replacement and expansion of a non-conforming structure.

Mr. Monziona asked Chair Rich if the application could be accepted as complete if the only thing that has changed was that it was being heard during this meeting as a continued application. It was accepted at the prior hearing as complete. He was unsure if any changes had been made since.

Paul Zuzgo stated that the meeting was continued because the application was new. He stated that they came in two or three months before and that was when the Town meeting was happening and some amendments to Zoning were expected, and those amendments affected this application. He came in before for a Special Exception and Equitable Waiver and that's when it was discussed that continuing it would be practical until the outcome of the Town meeting was heard. He could not remember why it was continued at the last meeting.

Ms. McClain stated it was continued at the last meeting because the posting wouldn't have been in time.

Mr. Zuzgo stated it didn't meet the deadline. Mr. Monziona asked Ms. McClain if it was the same application, the one that had previously been accepted as complete. Mr. Zuzgo stated it has not been accepted as complete. Ms. McClain said it was her understanding that it is same case number but instead of a Variance it is a Special Exception. She stated it is still the same case.

Chair Rich requested that the Board look it over to be sure.

MOTION: To ACCEPT the application for Case # Z26-08 as complete. Motion by Mr. Lee. Mr. LaRochelle SECONDS. Motion passed unanimously.

Mr. Zuzgo stated they were there to request a Special Exception to add living space to an existing building, that is a trailer, which will be torn down and a Stick-Built structure will be built and will be moved so it's out of the setbacks. He stated they are making a non-conforming structure more conforming. He stated it was a rental before, and it will be a rental long term. He stated the uses have not changed. He stated he noticed there was a letter and things about non-conforming uses and about it being abandoned. He stated it wasn't rented. He asked Mr. Hillsgrove how long he has owned it. Mr. Hillsgrove stated one year. Mr. Zuzgo stated it hadn't been rented for 12 months because the owner wanted to replace it. He asked Mr. Hillsgrove how long before that it had not been rented. Mr. Hillsgrove stated he would have to ask Jeremy, but his guess was a year or two.

1 Mr. Zuzgo stated that in the letter it mentioned non-conforming uses and if it is abandoned for 18
2 months. He stated it has been a rental and will always be a rental; therefore, the use hasn't
3 changed. He stated they were there for a non-conforming structure. He stated that the last time
4 he brought up all the other trailers that were in the setbacks the Board agreed that they were
5 grandfathered. He stated that conclusion was made the last time they discussed it. He stated that
6 it was stated that if something needs to be changed, they should come back and fix it then. He
7 stated that the other trailers are owned by other people. He asked Mr. Hillsgrove if his trailer
8 was the only one not owned by someone else. Mr. Hillsgrove stated yes. Mr. Zuzgo explained
9 that as those people want to sell Mr. Hillsgrove would get first dibs. If he were to buy it, he
10 would replace it with a Stick-Built and take the ones that are in the setbacks and move them, so
11 they are out of the setbacks. He stated that as a result Mr. Hillsgrove would make things more
12 conforming than they are now. He stated that he believed he explained everything at the meeting
13 the last time the case was heard.

14
15 Mr. Monziona stated that at the last meeting he went over the calculation of increase of square
16 footage because the Zoning Ordinance has a limit as to how much additional square footage can
17 be added. He referenced the third page of the letter that the Board received on the second full
18 paragraph on that page –

19
20 Chair Rich asks Mr. Hillsgrove to put his mic on.

21
22 Mr. Monziona continues that it comes to the conclusion that the owner is exceeding the total
23 square footage –

24
25 Mr. Zuzgo asked if he was talking about the footprint. Mr. Monziona stated his question is, are
26 they correct in that paragraph. He stated he knew it was a public input thing because it's in the
27 form of a letter, but it is something that the Board has looked at and it's something he has a
28 question about. He stated it is in the paragraph that starts: "Gross for areas defined as the total
29 enclosed area of the building and does not include open porches or decks. It does include all
30 levels" etc. He stated it goes on to talk about square footage and it talks about the Ordinance
31 there's a limitation of how much additional square footage can be added. He read the letter:
32 "The application to enclose the porch will add 48 square feet more than is permitted."

33
34 Mr. Zuzgo stated they measured the building and that was the square footage they came up with.
35 He stated that the Assessors go and measure but they're not always right. He did not know what
36 else to say about that. He stated the footprint is not going to change in square footage. It would
37 add a second floor. He stated they could take that and double it. It's living space.

38
39 Mr. LaRochelle stated that in 300.E.1, alteration, non-conforming structure may be enlarged or
40 altered in a way that increases non-conformity. Conversion of a deck porch or patio in the
41 setback in the living space shall be considered to be an increase in non-conformity. He stated
42 that that is if it's in the setback. If it is removed from the setback that changes. He asked if he
43 was interpreting that correctly.

44
45 Mr. Monziona stated that it says no non-conforming structure may be enlarged or altered in a

1 way which increases non-conformity. He stated conversion of a deck, porch, or patio in the
2 setback to living space shall be considered to be an increase in non-conformity. He stated he
3 agreed that it clearly says that the deck, porch or patio have to be in the setback in order to –
4

5 Mr. LaRochelle stated that it increases the non-conformity. Mr. Monziona agreed. Mr.
6 LaRochelle stated that if it is pulled out of the setback it is no longer considered non-conforming.
7 Mr. Monziona stated that the question then becomes can it be turned into living space. He asked
8 if this application was proposing to convert a deck, porch or patio into living space. Mr. Zuzgo
9 stated yes. He stated they were taking it out of the setback.
10

11 Mr. LaRochelle asked if, as it sits, it is 6.7 ft from the property line. He asked how far it would
12 be moved. Mr. Zuzgo stated the red line is the setback and they are beyond that by a couple of
13 feet. Mr. LaRochelle asked about frontage from the road. Mr. Zuzgo stated the red line is the
14 setback, so at least five. Mr. LaRochelle stated that from the road, from the side setback it is
15 completely out of the setbacks. Mr. Zuzgo agreed.
16

17 Chair Rich asked if there were any more questions from the Board to the applicant.
18

19 Mr. LaRochelle asked if they could explain a little more about the proposed septic system
20 through DES and the State. Mr. Zuzgo stated it is approved for every one of the buildings. Mr.
21 LaRochelle asked how many bedrooms there are. Mr. Zuzgo stated he did not have those plans.
22 Mr. Hillsgrove stated 15 total. Chair Rich apologized that he was not in attendance at the
23 meeting when this was last heard. He asked if that was approved for 15 bedrooms already by the
24 DES. Mr. Zuzgo stated it had. Chair Rich asked if that was on file. Ms. McClain asked Mr.
25 Zuzgo if he had submitted that. Mr. Zuzgo stated it is on the plan, the approval number.
26

27 Mr. LaRochelle stated that Mr. Zuzgo mentioned that the use is not changing and that it would
28 still be seasonal. Mr. Hillsgrove stated that that trailer is not seasonal. He stated the rest of the
29 trailers are seasonal. Mr. LaRochelle asked if the other trailers would remain seasonal. Mr.
30 Hillsgrove stated that on the State septic design they made him put seasonal on those other four
31 trailers, so they cannot be used year-round. He stated that this trailer can, and obviously, the
32 house can. Mr. LaRochelle said that that trailer is not to be short term rental, but a full-time,
33 year-round rental. Mr. Hillsgrove agreed and stated one year plus lease. Mr. Lee asked if the
34 owner could define long-term rental. Long term rental is one person, renting it long term or long
35 term, Air BnB type rental. Mr. Hillsgrove stated long-term, one-year lease, means they stay a
36 year, if they want to renew the lease they do. If they move out, he finds somebody else for a
37 year. He stated he was hoping to find someone who wants to stay there.
38

39 Mr. Monziona stated he believed they had a definition of short-term rental. He stated if it is not
40 short-term rental, it is probably long-term rental. Mr. LaRochelle stated anything over 30 days.
41

42 Chair Rich asked if there were any more questions from the Board. He asked Mr. Monziona.
43 Mr. Monziona stated he was looking at 320.E.2 is correct in terms of what this application is
44 being brought under, which is replacement of non-conforming structures. He stated they are
45 replacing the trailer with a Stick Built. Mr. Hillsgrove agreed.

1 Chair Rich asked if there were any other questions before he opened the meeting to public input.
2 There were none. Chair Rich asked if Mr. Hillsgrove had anything else to add. There were no
3 further comments.
4

5 Chair Rich opened the meeting to public input. He asked if anyone in the audience would like to
6 speak in favor of this plan. There were no comments. He asked if there was anyone that is
7 opposed to Mr. Hillsgrove's plan. He stated they would hear one party at a time.
8

9 Ann Norman Sydou, 15 Watson Point Road, which is a road that abuts the sideline of this
10 property. She stated she was given notice as an abutter. She stated that she is the one who wrote
11 the lengthy letter. She wanted to clarify some of it. She prepared a letter to read the Board to
12 make up for her lack of public speaking skills. The letter stated that it was a follow-up. She
13 urged them not to grant the Special Exception to tear down and enlarge this trailer that has been
14 vacant for many years. She stated it is not only a non-conforming structure but also a non-
15 conforming use. She stated the proposed structure is a more intensive use than the present
16 structure with more gross living area than the current non-conformity. She stated that this will
17 lead to further overcrowding of the land, when compared to the historic non-conforming use of
18 the structure and site. The trailer should be considered abandoned as it has been vacant for
19 several years. She stated it was more like 5-8 years not just one year as previously stated. She
20 walks by it every day and has watched it over the years. She also believes the application should
21 be denied in reference to what Mr. Zuzgo was talking about. It does not meet the additional
22 exception requirements to expand a non-conforming use as noted in Section 320.D.3. She stated
23 the application seeks to expand the building area more than 10 % of the gross floor area of the
24 existing building at the time it became non-conforming which is not allowed per section
25 320.D.3-E.
26

27 She stated that because it is a non-conforming use, she urged the Board to really consider those
28 regulations as well as what they're applying for. She argued that the existing floor area which
29 does not include any porches or decks was 272 sq ft, the size of the original trailer at the time it
30 became non-conforming. She estimated that 144 sq ft addition was likely built after Zoning was
31 adopted in 1970 and likely sometime in the 1980s. There are no permits on file for it. She stated
32 that as noted this will lead to a more intensive use of this non-conforming property making the
33 trailer larger by converting the porch living space with a walk out first level and a second level
34 could more than double the existing living space of this one-story trailer that's on (piers?). She
35 stated she did not believe that any increase in the living space nor basement should be allowed.
36

37 She stated that the application to convert the 48 sq ft porch into living space with two levels
38 could increase the size from 416 sq ft of living space up to 928 sq ft. deck was not specifically
39 mentioned in the notice or the application and should not be considered. She stated if he does
40 intend to convert the deck the living space could increase to as much as 1248 sq ft with the two
41 levels he has proposed. Both scenarios would certainly change the capacity of the number of
42 tenants that could live there. She stated it is even more concerning that it will be an offsite
43 landlord as we know often areas that aren't approved as bedrooms per septic design become
44 additional sleeping areas. She stated if you look at ads for short term rentals that say two
45 bedrooms sleeps 6-8 people.

1 She stated the prior owners lived in the main house, had long term tenants in the barn apartments
2 and kept a well-maintained property. Four of the five trailers have been owner occupied as
3 seasonal, vacation/weekend homes with little impact on the abutters or the neighborhood. She
4 stated, as noted in the minutes of the first meeting minutes and as he suggested tonight, the
5 Applicant plans to purchase the other trailers as they become available and do the same thing as
6 the trailer in question. She stated he received approval for a 15-bedroom septic system designed
7 with four of the trailers designated as seasonal as he mentioned. She stated there's potential for
8 30+ people living on the property with an offsite landlord.
9

10 She stated all of the existing trailers are small and range in size from 416 sq ft of living space to
11 684 sq ft. She stated she is hopeful that they will take this into consideration in the decision
12 making for this Special Exception and do not set a precedent for all of the other trailers. She
13 stated it is now an income producing property with an offsite landlord. If he is able to purchase
14 the other trailers they are designated as seasonal and will likely become short-term rentals as
15 they cannot be year-round rentals. She stated that she hoped that maximizing his investment will
16 not come at the cost of the abutters or the neighborhood. She stated she wanted to really stress
17 that it's not only a non-conforming structure, it's part of a non-conforming use. She stated that
18 expanding structure will expand the non-conforming use beyond what is allowed for expanding a
19 non-conforming use.
20

21 In addition, several of the criteria for meeting a Special Exception and/or Variance are not met,
22 including request should be denied as the site is not an appropriate location for the use as
23 expansion of the structure will increase the capacity for the number of tenants and will lead to
24 more intensive non-conforming use of the property, nor is it in the spirit of the ordinance. It is in
25 the Lakeshore Residential Zone where Zoning only allows for one dwelling unit with an ADU.
26

27 Zoning was adopted in 1970 and as noted in the Master Plan was designed to limit further dense
28 development around Lake Winnepesaukee. In addition, there are objections from every abutter
29 she has spoken to and others in the neighborhood. She stated she has been in the real estate
30 profession for about 40 years and recently retired after 32 years as a real estate proprietor in the
31 Lakes region. In her educated opinion granting this Special Exception will likely have a negative
32 effect on abutting properties. The increase in living space will lead to more tenants, creating
33 nuisances to abutters with more traffic, more parking, noise, more trash, overflowing dumpsters,
34 trash all over the road. Unfortunately, there's not enough local data to support a qualified
35 adjustment for how much it will diminish property values.
36

37 She reached out to the Chief Appraiser of the firm she worked with for many years. He has dealt
38 with zoning issues for much of his 50-year career. He gave examples of a few studies that
39 reference the potential influence of externalities on sales prices. She stated that one study
40 published in the Appraisal Journal concluded that real estate exposed to external obsolescence
41 experienced an average reduction of approximately 6% on the return of investment. Other
42 articles referenced research by the Appraisal Institute that indicated bad neighbor influences (she
43 said she could not be sure if he would be a bad neighbor) such as visibility issues, noise, parking,
44 congestion, or short-term rental activity in neighborhoods primarily composed of owner-
45 occupied single-family homes can reduce home values by as much as 10%.

1 Shifting from existing conditions with small one to two-bedroom trailers ranging in size from
2 416 sq ft to 684 sq ft to larger rental unit for this trailer and potential for larger units for other
3 trailers would be a significant change. The proposed structure generates higher appeal than the
4 existing structure for rentals. Mr. Hillsgrove said it's going to be long term, but if it's ever short
5 term or seasonal rental the expansion of the gross living area can result in non-conforming levels
6 of occupancy which not only creates nuisance for abutters but also can create regulatory
7 challenges for the municipality. Towns, including Alton, have begun regulating short term
8 rentals due to complaints from neighbors stemming from friction from neighbors and landlords
9 and their tenants. Often septic limitations are ignored and there are too many tenants, too many
10 cars for space allowed for parking, more trash, noise day and night and trespassing on abutting
11 properties. She stated she really wanted to stress that it is not only a non-conforming structure
12 but also is a non-conforming use. She stated increasing the square footage even on this one
13 trailer from 416 sq ft to potential 800 to 1200 sq ft is going to be a significant difference in who
14 is going to live there. She asked how many people are going to live there. She stated she
15 believed it would be a more intensive non-conforming use than what it is now.

16
17 Mr. Monziona stated that the Board's function is limited to the facts that apply to the Zoning
18 Ordinance and to make a determination of whether the Applicant meets the criteria. He stated
19 that the Board stays focused on the specific criteria that apply to them. He stated, for example,
20 some of the things that she was describing would be associated with short-term rentals like
21 parking problems, noise, trash, lots of people. He stated the Board must focus on what the
22 Applicant is telling the Board is actually going to be there. He stated the first question he had
23 when she stated non-conforming use, our understanding of that term, what is it that you are
24 referring to that is the non-conforming use.

25
26 Ms. Norman Sydou stated it is in the Lakeshore Residential Zone. She stated there's a house
27 with an attached barn with two apartments. She stated there's five trailers, one of which is the
28 trailer in question.

29
30 Mr. Monziona interrupted. He stated when this case was before the Board the last time the
31 Board explored it a little and his understanding of it was that this lot has a number of trailers that
32 people can inhabit, living structures, which violates zoning. They don't allow that. He stated
33 that this has existed before Zoning. He explains that all of the structures out there, this one might
34 be in horrible condition, an eyesore, taking down values etc. The use that the Board has been
35 told is involved in this is residential use. So whatever a person who had a residential structure in
36 Alton could use it for, a rental, a residence, a part time residence, whatever the Board apply the
37 term residential use and all that goes with it. If you bought a house, that's residential use. If they
38 wanted to operate a business out of that structure that would be a change of use. That would be a
39 non-conforming use. Lakeshore Residential allows residential use on all of the structures that
40 are there. So what the Applicant is coming before the Board and saying, he wants to take this
41 trailer that is old and been there forever, instead of a trailer, he wants to make it a nice Stick-Built
42 structure for the same purpose that has always been. He stated that the question of abandonment
43 has to be 18 consistent months or more with no proven intent to continue to use it in that manner.
44 If someone came in and showed somebody abandoned the intent to ever have a residential
45 structure there, then maybe it was abandoned and maybe they don't have the right to go forward.

1 But in the absence of proven abandonment of intent, the intent was abandoned along with the
2 building, they couldn't find that it has been abandoned and the use is residential still the same.
3 He stated if the party wasn't to get this approval they could just go and use that trailer the way it
4 has been being used up until today. He stated they're proposing to fix it up, safer more
5 inhabitable, as far as how he understands their proposal. He stated they are restricted in terms of
6 how they can expand it. A one bedroom structure may be increased to two bedrooms with the
7 installation of a septic. Two bedrooms cannot be extended beyond that. All of this is detailed in
8 320.E.2. He stated that there are things this application is proposing to do that violate those
9 restrictions or requirements then they would have to deny the application. He stated that if there
10 is something beyond what she has already told the Board –
11

12 Ms. Norman Sydou stated she still argues that they are expanding the non-conforming use.
13 They're expanding the size of the building, which expands the intensity of the use. Mr. Monzione
14 stated they have to have a non-conforming use to begin with. Ms. Norman Sydou stated it is a
15 non-conforming use. Mr. Monzione stated if it is being used for residential, residential is a use
16 that's permitted in that zone. Ms. Norman Sydou stated that multifamily residential use is not
17 permitted in that zone. Mr. Monzione stated that was correct. He stated that there shouldn't be
18 all those individual structures on one lot anyway, but that's what makes it non-conforming. So
19 the Board agrees it is non-conforming. He stated that the Zoning Ordinance says that if
20 somebody wants to replace a non-conforming structure, they're allowed to do that provided they
21 meet the requirements of 320.E.2. If they don't meet the requirements of 320.E.2 then the Board
22 has to deny it. If they meet the requirements of 320.E.2 then the Board has to approve it. Ms.
23 Norman Sydou stated that the Board doesn't consider the section on "expanding of non-
24 conforming use that should not be altered, expanded or changed except minor changes that meet
25 the criteria below may be allowed by Special Exception." Mr. Monzione stated that she was
26 referring to use again. Ms. Norman Sydou stated that she thinks he is making it a more intensive
27 use of that property. Mr. Monzione stated that he understood. He suggested that, for example,
28 the Applicant was selling things out of that structure, so it was a business use, which is not
29 permitted. Ms. Norman Sydou understood. Mr. Monzione stated if he wanted to expand that
30 use, make a bigger store, put an extra refrigerator in it or something, he couldn't expand the use
31 unless he met the criteria for expanding non-conforming use. Here he is trying to expand a non-
32 conforming structure, the use stays the same. It's residential. Ms. Norman Sydou stated there
33 are plenty of objections by abutters and she believed the Board should consider those and she
34 would agree to disagree.
35

36 Mr. Paul Mason, a direct abutter to the structure in question. He stated that he has lived there for
37 15 years. He stated that no one has been living there. He stated that the front door has been
38 wide open. He stated it is the definition of abandonment if you look at it. He stated that
39 creatures are going in and out of it. He stated it is not currently being used as a residence. It has
40 not been used for a residence for years. He stated he is there year-round. He stated it is not
41 plowed in the wintertime; there's zero activity in it. He feels in his opinion it is the definition of
42 an abandoned building. He stated that was all he really had to add. He felt his neighbors had
43 done more research regarding the zoning issues. He stated as far as calling it continued use, it
44 hasn't been used.
45

1 Mr. Sid Tyner, 20 Watson Point Road, which is a piece of property abutting the proposed
2 application for Special Exception. He stated he has been there for many years and is a year-
3 round resident. He wanted to express some concerns with respect to intended use. He stated he
4 would like to add to what his neighbor Ann said to what some of the other neighbors feel right
5 now. He stated he assumed the Board got his letter and had an opportunity to read it. He asked
6 if any of the Board members have been to Watson Point Road. Chair Rich, Tom Lee and Paul
7 LaRoche stated they had. Mr. Tyner stated with respect to the character of the neighborhood,
8 he felt it shouldn't go unsaid, it is a very low-density neighborhood. He stated it is made up of
9 seven homes in which four are waterfront properties in a cul-de-sac private road. He stated there
10 was minimal turnover, he was unsure if there had been any turnover since he had been there.

11
12 He stated one of the concerns with respect to potential use or intended use is the loss of serenity
13 of the neighborhood or changing that whole area. He stated that this is the first time he heard
14 mention of the intended use of the trailer in which they're applying for a Special Exception. He
15 stated he had an opportunity to listen to the meeting on You Tube and not once during that
16 meeting did he hear any intent as to what's going to happen with that property or what the use
17 would be. He does have concerns. His understanding is that it's going to be a walkout with a
18 second story on it, approximately 25 ft high from a 17 ft roof line right now. He said with
19 respect to it being a long-term rental, they alluded to a one-year lease. He stated the definition of
20 it is anything over 30 days would be considered long term and asked the Board if that was
21 correct. The Board agreed. His concern was a precedent being set and what he would call a
22 leading indicator. He stated he is a businessperson. He stated there are long term, life leases
23 there now. He stated that he was aware the Applicant does not own the trailers, but he owns the
24 property. He stated there are leases there right now. He said it was stated at the last meeting that
25 the intent, moving forward, would be to get this piece of property done and then to purchase the
26 other units that are there and emulate what he's doing with the first unit, the one he is applying
27 for today.

28
29 He stated those properties fall directly on his fence line as it relates to setback. He stated it might
30 be 5 ft, maybe 8 ft between the fence line and his house. He stated the precedent being set,
31 without speaking for the Applicant, he is very concerned, as is most of the neighborhood, that
32 they will become short term rentals. He stated the concern is that they will become an Airbnb
33 type property. He stated it is not a very big parcel of land. It is busy already with the renters that
34 are there, compared to the low uses and the low density that it has been in the past. The people
35 who are there now it is a comparable fit with the neighborhood right now, low use, turnover, they
36 come up on weekends. There's no noise, there's no parking, there's no trash, no parties that take
37 place over there. He stated that moving forward – he understood that the Board could only look
38 at the application and what's in front of them right now, but it is a major concern and a leading
39 indicator in what they look like moving forward the use of the property will become a trailer
40 park, whether it be upscale, high end or whatever it may be. He stated to have five structures on
41 that literal parcel of land that is Stick Built, 4th of July, motorcycle weekend, keep going, it's
42 absolutely going to change the makeup of that neighborhood. He stated he is all for an ambitious
43 person moving forward, trying to create opportunities for him or herself but not at the expense of
44 the neighborhood.

1 Mr. Tyner continued to say that when he looked at zoning laws and Ordinances with respect to
2 intent and use he refers to RSA 674, which when they move forward it says you absolutely,
3 positively, must take into consideration usage of the property to grant a Special Exception and/or
4 a Variance. He stated with respect to the last meeting, the word “grandfathered” or Variance was
5 thrown around and he had the opportunity to watch it on You Tube. He stated that those three
6 trailers that fall on his fence line – he appreciates that they may or may not have been there prior
7 to zoning laws. He asked if they were built in 1970 or 1950 or does anybody really know. He
8 stated at the end of the day he can’t fathom the thought that the Board would have four Stick
9 Built units there with potentially a 25 ft roof from a 17, or a 12 ft right now, lining that property
10 in such a small parcel of land. He stated a 15-bedroom septic tank would basically allow the
11 opportunity for 30-35 people to be on that lot at one time. He stated that he has owned short
12 term properties in the Lakes region, on Winnepesaukee. He stated for that reason he doesn’t own
13 them anymore. He knows what takes place. He asked that the Board reconsider and if it does
14 move forward is there a restriction that can be put in place where it cannot be used for Airbnb
15 short term rentals. He stated he believed it had already been said that the three or four that are
16 there now cannot be used for long term rentals. He stated that in his opinion that would mean
17 that they would be seasonal and/or short term rentals like an Airbnb. He stated that is a concern.
18

19 Chair Rich asked Mr. Tyner how long he has lived in that neighborhood. Mr. Tyner stated he has
20 lived there since 2016. Chair Rich asked if those trailers were there. Mr. Tyner responded that
21 they were there. Chair Rich stated that Mr. Tyner knew that those trailers were there. Mr. Tyner
22 stated of course. Chair Rich stated that they had been there a long time before he was. He stated
23 that probably most of the neighbors that were present for the meeting knew before they bought
24 that those trailers were there. Mr. Tyner stated he did. He said he could not speak for his
25 neighbors. Chair Rich stated that he would ask each of the neighbors if the trailers were there
26 when they purchased their property. Ms. Norman Sydou responded from the audience that the
27 trailers were there. She stated they were small trailers, 800-1200 sq ft trailers. Chair Rich asked
28 if the trailers that are there now were there when they purchased their home. Ms. Norman Sydou
29 stated they were. Chair Rich stated that they knew they were there.
30

31 Mr. Tyner stated he knew when he bought the property, however speaking with a realtor buying
32 the property, they did a very good job explaining what the usage was, very low density, low
33 traffic, no noise, no turnover. He stated it is a fit for that neighborhood in spite of the fact that
34 there are five trailers on a small parcel of land. He stated to move forward and setting a
35 precedent he believes – he’s not questioning any motive at all, but at the end of the day, if you
36 have lifelong leases there, why in the world am I going to buy those and rebuild them. If you
37 already have a long-term lease there, you may want to consider that if you’re going to do short-
38 term leases, like Airbnb. He stated he’s not calling anybody out or questioning motive, but it is a
39 concern. He looks at it as a leading indicator and a potential precedent being set. He stated if
40 you know the neighborhood, it’s a game changer.
41

42 Chair Rich asked if Mr. Tyner understood the criteria that the Board has to consider and the
43 criteria that the Applicant has presented to the Board. He stated the Board is limited to the
44 criteria of the structure. He stated the Board is not so much limited to the use.
45

1 Mr. Tyner stated he is not a real estate person, but he is a businessperson. He stated the research
2 that he has done, any thought or judgment or criteria with respect to Special Exception, usage
3 plays a major role. He asked if he understood that correctly.
4

5 Mr. Monziona responded that the Board is not advocating for one position or another. He stated
6 the Board is in a position where they are charged with the responsibility, whether they like it or
7 not. He couldn't tell them how many things he had voted yes for that he hated, and how many
8 things he voted no for that he wanted to see happen. He stated they are restricted by the criteria
9 and they're not advocating one way or the other. For the Board, the use that they have to
10 consider is residential. He stated the other thing the Board needed to consider was the intent
11 gone. Was there evidence of abandonment of intent. That was something they would have to
12 take into consideration. He stated that if those structures exist and have been used for residential
13 structures, some in town are only used in the summer, some are used year-round, so that all fits
14 under residential. He stated that if tomorrow somebody wanted to go there and occupy all five of
15 those trailers, one of which is an eyesore it sounds like from the description. He was unsure how
16 much of that the Board gets to consider. There are certain criteria they will go through and will
17 see how the evidence affects a determination of whether the criterion has been met or not. He
18 stated they have to view it as residential. He also stated that an Applicant is restricted to what is
19 represented at the hearing either through the application or orally. He stated that what the Board
20 had been told is this would be a long-term rental. Airbnb isn't even in the equation for the
21 Board's consideration. He stated maybe the abutters are right and that someone is going to try to
22 turn this thing into a short-term rental and it's going to be a disaster. If and when that happens,
23 everybody has remedies for that in the Town. That is also very strictly regulated. There are
24 permits that need to be obtained for short term rental. That is not what's being considered at this
25 meeting. Mr. Tyner said he understood.
26

27 Mr. Monziona stated that the Board has been told this is a long-term rental, residential use, the
28 way it always has been and what they've been told is they're going to take something that's in
29 horrible disrepair and redo it to make it nicer and to use it. Mr. Tyner stated that in the last
30 meeting they also heard about taking that decrepit structure and making it better looking will be
31 times five, because that's what was alluded to in the last meeting. He asked if the Board had the
32 power to put a restriction or prohibition with Zoning approval or disapproval of short-term
33 leases. Mr. Monziona stated the Board is permitted to impose conditions on any approvals that
34 they grant. They could impose conditions, but they can't be off the top of their head, they have
35 to be consistent with these criteria. A requirement, if this application were approved, would be
36 that it could not be short-term rental because it has been represented to the Board that it is for
37 long-term rental. He stated they are restricted by virtue of that representation they cannot use it,
38 and if they did, they would be subject to enforcement. That's assuming it gets approved.
39

40 Chair Rich stated that the Applicant already indicated that it's a long-term rental. If the
41 Applicant violates that every neighbor in the neighborhood could go to enforcement and State
42 that it is not a long-term rental, it is a short-term rental. Then the Applicant would have to show
43 that it is a long-term rental, or he would be issued a cease and desist order.
44

45 Mr. Tyner stated he appreciated that. He stated a way to remove that from the equation is if the

1 Zoning approval or disapproval a condition could be put in. He stated he completely understood
2 what was just said about long term, it cannot be short term.

3
4 Mr. Lee stated that they've all seen the property and there are many properties that you can drive
5 around the coastline of the lake and shake your head. Many properties are not in good shape.
6 He stated regarding the abutter who mentioned rodents or animals of sort, it is kind of shocking
7 that the people that have talked so far are against improving this trailer. He understood the big
8 picture, but to the Chairman's point, any one person who purchased the property and sees the
9 area, made a decision, this is where I want my residence to be, whether seasonally or long term
10 or whatever. He stated he assumed most people would know, at some point, this was going to
11 happen. He stated it is represented here tonight that it might just be best to leave everything
12 abandoned and let rodents and animals come and go as they please because the alternative is to
13 have things rebuilt, cleaned up. He stated they've all seen properties close to abandoned
14 properties and seen someone come in and redo it and it helps the neighborhood quite a bit. He
15 stated he heard all the concerns. He found it surprising that people are against this to the point
16 that they would rather leave this type of trailer there in that condition. He understood the big
17 picture. He stated that Mr. Monzione stated it very well as far as the Board's position. He stated
18 he just wanted to make those points. He stated it does not sway his opinion one way or the other.
19 He stated it is very rare, in his term, to ever have an abutter come forward and say they don't
20 want a property to be fixed up etc.

21
22 Mr. LaRoche stated one of the things in Town that was approved a few years ago was the
23 Master Plan. He stated the Master Plan, any of the waterfront properties, there's a road right
24 after you go over the bridge that first left, the homes are on top of one another. He stated it is a
25 very winding road, but one by one they've been fixing them up. He mentioned that going down
26 there 15 years ago they looked terrible. One by one the houses are being painted, fixed, redone,
27 a few new builds have been put up and it has actually improved the property. The Board will
28 stick to the criteria because that's what they need to do. He wanted to make his point that he also
29 feels as though he has never seen people, abutters, who don't want something to look better. He
30 stated it is unusual.

31
32 Mr. Tyner stated, with all due respect, he appreciated Mr. Lee's comments. He stated he was a
33 hockey coach for years. He used a hockey analogy; it looks good in a helmet. He stated he
34 would rather a peaceful community without having what he believed would be a commercial
35 piece of property next to him. If it is going to be short-term rental the Board could imagine what
36 that would be like with five structures on that piece of property. When it looks good in a helmet,
37 he will take peace and serenity over that any day of the week.

38
39 Chair Rich stated the Board has criteria. He stated that what Mr. Tyner was suggesting is
40 hypothetical. He stated that Mr. Tyner was supposing that this is going to happen and there's no
41 evidence whatsoever that it is going to happen.

42
43 Mr. Lee stated that the short-term rental legislation that was passed in the Town and was put
44 forward there was an enforcement piece because some of us have had that situation. They have
45 experienced it firsthand. If you live in town, you live near the lake, like most of the Board does.

1 When you see that term “Airbnb”, unless you’re planning your own personal vacation
2 somewhere, it’s bad if you live in a vacation area like we do. They all know the worst part of
3 that. Nobody wants that. So there’s an enforcement arm with that now, thankfully. Lastly, it has
4 been brought up a couple of times is precedent setting. He understands when people come with
5 the point of precedent setting, but this structure has absolutely nothing to do with the other
6 structures, whatsoever. Speaking for the Board, based upon their history, they can bring up 10
7 different items on this structure down the road and say but that have to handle that structure
8 individually. He stated the whole criteria will be gone through. Maybe none of those structures
9 get approved for anything, maybe they all get approved for something, but they handle each one
10 individually. He stated that the fact that this one got approved does not give carte blanche to
11 anything else if it gets approved.

12
13 Chair Rich asked if there were any other public comments.

14
15 Alan Silberberg, abutter, 30 Watson Point Road. He stated he would not repeat everything that
16 has already been said by others. He was there for the record that he is in opposition to this. He
17 stated he has been there for 38 years. He was the first in that development. He stated that it
18 would change things and it is an imposition and infringement upon the people on the other side
19 of the boundary. He stated that this is a business for rental income. He stated it is an investment
20 property for business. He wanted the Board to consider that. He stated that that has not been
21 mentioned yet. He stated that the Applicant cannot run a business and that is the purpose of the
22 property. He stated that other than that he was in agreement with what his neighbors have
23 already said before him.

24
25 Ms. Norman Sydou returned to offer more comments. She stated her family has been on that
26 road since 1977 and the trailers were there. She stated that it has always been low impact, owner
27 occupied, seasonal trailers with exception of one trailer that was rented at some point years ago
28 for a short period, long term and has been vacant for quite a while. She stated she understood
29 that is why they could make it a year-round rental. She is not completely opposed to the
30 Applicant rebuilding the structure or fixing up the structure, obviously. She stated she is really
31 opposed to him expanding it. She stated that if the Board decided to grant the Special Exception,
32 she really hoped that they would restrict it from having two levels. She stated she was unsure if
33 he intended to include the deck, she stated it was not mentioned in the original application, or he
34 might have drawn another plan, but it wasn’t stated in the notice. She stated it mentioned an
35 enclosed porch. A porch is very different from a deck. A deck is an open space and is 160 sq ft
36 which is a pretty large addition to the sq footage. She stated she is most opposed to him
37 increasing the size of the living area. It changes the type of rental. She has been in the real
38 estate business for a long time. She stated 1416 sq ft rental is much different than an 800-1200
39 sq ft rental. She stated it could be 1200 sq ft if he is allowed to enclose the porch and close the
40 deck and have two levels. She believed the Board had some ability to put restrictions on a
41 Special Exception. A Special Exception doesn’t have to be approved. It has to meet all the
42 guidelines. She stated the other thing they could consider is whether the use of the property
43 actually a single family home with trailers on it or is it a manufactured home park, which by the
44 Boards definition is land upon which two or more manufactured homes are parked and occupied
45 for living purposes regardless of whether or not a charge is made for such accommodation. A

1 park remains in single ownership with lots offered on a rental basis. She asked if it is actually a
2 mobile home park and now they're going to put Stick Built units instead of mobile homes. She
3 asked if that was something to consider. She asked if that changed the ability to rebuild and
4 expand these things. Her biggest concern is expanding them. She stated they all knew the
5 trailers were there, but it was a very low impact. The former owners lived there forever and the
6 people in the trailers had very low impact on the abutters or the neighborhood.

7
8 Deboarh Barnes, abutter, 13 Watson Point Road. She stated she received the notice. She agreed
9 that structures should be clean, nice, etc. She stated this property has been abandoned. She
10 stated she moved in 1977. Her sister is Ms. Ann Norman-Sydou. She doesn't remember ever
11 seeing anyone in that house. The intent of that house with the Witherbee Family that was there
12 was to leave it abandoned. It has trees on it, mice. It is disgusting. She would like it taken down.
13 It has a trash can in front of it. She is not opposed to having it cleaned up. She doesn't want a
14 big, huge house over there because there are already so many people on the property. She thinks
15 there are three apartments there right now. When she goes down there, there's six or seven cars.
16 She asked how many cars would go in a newly built structure. She stated that it should be kept
17 the same, keep the intent the same. If the Board thinks it hasn't been abandoned, which it has
18 been, the intent was to keep it a small house, a mobile home with people coming in for 30 days
19 or more, or lease, but keep the intent the same. She doesn't think it is going to be. She believed
20 the Applicant wants to make it a bigger house, so he can get more people, more rent. She stated
21 it is a business. She stated Al (Silberberg) said it, it is a business. She believes the Applicant
22 wants to make money. He is already making money with the three properties. She walks her dog
23 down that road every day. She has talked to the tenants about cleaning up the trash. It looked
24 like the dump. They have had the police there and it has been a nuisance. More people will
25 create even more of a nuisance. She stated she understands and agrees with all of her neighbors.
26 She stated she lives there year-round, she has retired there. She doesn't want it to change. She
27 believes building a big house there is going to change the neighborhood. She believes making it
28 bigger is going to change the intent of what that house was for.

29
30 Chair Rich asked if there were any other comments in opposition.

31 John Flueckiger, 24 Loon Cove. He knows Shawn (Hillsgrove) and thinks he's a great guy. He
32 stated he bought the property four years ago and everybody knows you drive a snail's pace on
33 that road. He stated ever since it has been rented it is a speedway, and they all come from the
34 same house. Every night this kid comes home, you hear his music playing in his car. The police
35 were there the other night, five cruisers at the property the other night. He is all for people
36 making money, but it has changed in the last year ever since it started being rented with heavy
37 traffic, speeding down the road, which no one speeds down that road. He stated that everybody
38 knows that you have to go by his house to get out of the neighborhood. It has been the renters
39 that fly up and down that street. He asked the Board if they needed to have the police come and
40 sit at the end of the street. He stated it is a peaceful neighborhood, and he is all for what he
41 wants to do and make money. But it has changed in the last year. He stated a kid was out at 10
42 o'clock at night burning rubber on his motorcycle. He stated that it is his understanding that the
43 last people were there had a couple of rottweilers and a lady was walking by. The dogs were
44 unleashed, and they bit one of the neighbors. He was worried about the rottweilers running

1 around without leashes up the street. He stated the neighborhood has changed substantially since
2 they have had renters there.

3 Chair Rich asked if there were any more comments from the public in opposition. There were no
4 further comments. Chair Rich closed to public input.

5 Chair Rich asked if there was any rebuttal to what the opposition had stated.

6 Mr. Zuzgo stated he could not comment on behavior since it was not his place. He does not live
7 there. The neighbors have told you about problems. He believed everything they were applying
8 for was good and they meet the criteria. He stated they are not changing the use; it is residential.
9 They are getting everything out of the setback and making it look better. He stated he did not
10 know what more to say.

11 Mr. Monzione stated his problem is that he helped write some of the Zoning Ordinances before
12 his hiatus. There was a Special Exception on expansion of non-conforming structure. He did not
13 know what happened to it. He was looking and could not find it. He is interested in knowing
14 what is the restriction on authority. It used to be you couldn't expand – there was a specific
15 Ordinance for expanding upward or downward putting a basement or whatever. He did not see
16 anything in the Zoning Ordinance regarding permitting – you've got a non-conforming structure
17 it was always stay within the footprint and stay within the size and to the extent you're able make
18 it less non-conforming which you guys are doing, you're taking it out of the setback. It is still
19 non-conforming because you've got more than one residential structure on one lot. So you're
20 not doing anything about that. You're not asking for two more. You're taking the one you have.
21 He stated that they want to put a second story on this and he's not finding anything in the Zoning
22 Ordinance that permits the expansion. He stated you can replace it, but he is not seeing anything
23 – the only thing allowed in the Zoning Ordinance is a one-bedroom structure may be increased to
24 two bedrooms. And two-bedroom structures shall not be allowed to increase. He asked how
25 many bedrooms there are in this.

26 Mr. Zuzgo stated two, whether there's a bedroom on the first floor or the second floor. It is still
27 just two bedrooms. He asked if it says you can't expand upwards.

28 Mr. Monzione stated it talks about replacing. He stated there was always another Zoning
29 Ordinance regarding expansion. He stated expansion to him was another category of changing a
30 non-conforming structure. They would be expanding the living space but staying within the
31 footprint. He totally understood that. He stated the idea of putting a second story on that, there
32 was a Zoning Ordinance that addressed expansion upward or downward and he doesn't know
33 where that went.

34 Mr. Zuzgo stated there is a limit of 35 ft. Mr. LaRochelle stated that is a height restriction. Mr.
35 Zuzgo stated that is whether it has one floor or two floors. Mr. Monzione stated that is different
36 than replacing a non-conforming structure. He stated that replacing seems to mean you're taking
37 what's there, it's old and run down and you're going to replace it. As part of that you are
38 expanding the living space. By the way you're enclosing a porch but not the deck. Is there a
39 porch and a deck on this? Mr. Hillsgrove stated it is all one. Mr. Monzione stated that is
40 permitted as long as the deck or porch is not in the setback, is how he read it. He stated that the
41 expansion of the structure upward to add another story as part of replacement he did not see. He

1 stated they used to permit it under certain circumstances, but he does not know where the
2 Ordinance went. Apparently, the voters took it away. Chair Rich asked where Mr. Monzione
3 was looking at. Mr. Monzione stated that the only thing he sees that they've been dealing with is
4 the 320.E.2 which deals with replacement. It sets forth what you can and cannot do and the
5 Zoning Ordinance does not address expansion.

6 Mr. Zuzgo stated the lake houses or lots on the lake where they've had these little cabins, they're
7 tearing the cabins down and replacing, in the same footprint, but now they've got two floors.
8 Mr. Monzione stated they're putting in basements in some, they're putting in two floors. He
9 stated they had an Ordinance that used to deal with exactly that and allow it under certain
10 conditions, for example, you couldn't mess up somebody's view. There were restrictions on that.
11 He stated he didn't see anything in the Zoning Ordinance that allows – Mr. LaRochelle stated
12 there's nothing in there. Mr. Monzione stated expanding upward or downward doesn't seem to
13 be allowed in the zoning.

14 Chair Rich stated that number three on 320 in D, non-conforming uses: Expansion of the non-
15 conforming use. Mr. Monzione stated it is not the use. Chair Rich stated it is not the use. He
16 stated that what Mr. Monzione is saying is the expansion of the second floor. Mr. Monzione
17 stated the expansion of the structure. He stated if it was an ice cream stand, which isn't
18 permitted in that zone and they wanted to put indoor seating, they'd be expanding a non-
19 conforming use. But we're not talking about the use because the use is residential. We're just
20 talking about the structure itself. Chair Rich asked where that gets applied, non-conforming
21 structures. Mr. Monzione stated that is 320.E.2 is replacement of non-conforming structures in
22 addition to the usual 520 Special Exception criteria you also have to comply with A through D
23 and none of that is talking about upward expansion. It is all talking about replacement. Chair
24 Rich stated it says it can go from one bedroom to two bedrooms. The structure shall not be
25 allowed to increase the number of bedrooms. There is no increase in the non-conforming aspects
26 of the structure. Mr. Monzione stated the non-conforming aspects of the structure here is that it
27 sits in the setbacks in part. That's being remedied. They actually are not only not increasing the
28 non-conformity, they're eliminating the non-conformity in that regard. The fact that the other
29 thing that makes it non-conforming is it is one of several residential structures on one lot which
30 is not permitted under zoning but they're not increasing that either. They're keeping it two
31 bedrooms. But what they want to do is expand the structure itself to a second floor. We used to
32 address it. Mr. LaRochelle stated it is not on there anymore; it was removed some years back.

33 Chair Rich asked the Board, the Applicant is talking about this particular structure, this particular
34 trailer, this particular improvement. There are now four other trailers on the lot. If I say
35 something that is not correct, please address it. It was previously stated to the Board that those
36 homes are owned by other people. He asked Mr. Hillsgrove if he owned the other trailers. Mr.
37 Hillsgrove stated he did not. Chair Rich stated that he assumed they were leasing the land. Mr.
38 Hillsgrove stated that was correct. Chair Rich understood the plan is to buy those trailers
39 whenever Mr. Hillsgrove can from the existing owners and refurbish them or do something with
40 those trailers. Mr. Hillsgrove stated he would just like to make it look better. Chair Rich stated
41 Mr. Hillsgrove just wanted to improve the trailer. He asked Mr. Hillsgrove if he wanted to
42 improve it in the same way that you're improving this trailer. Mr. Hillsgrove stated the other
43 trailers are more like today's trailers, they are 12 x 60. He stated that he didn't want to build up

1 with those and he would just leave them and do mobile home design inside but make it look nice
2 outside. Chair Rich asked if it would be kept low level. Mr. Hillsgrove stated one floor. He
3 stated that this trailer in question is just tough because of the way it is laid out to try to make
4 anything work where it's a desirable rental. Chair Rich asked the Board if when those trailers
5 become available, would Mr. Hillsgrove have to come to the Board for approval of anything or
6 he can just do what he wants there in terms of refurbishing trailers.

7 Mr. Zuzgo stated he believed Mr. Hillsgrove would have to come back for the same thing for
8 this. Mr. Hillsgrove stated he would have to come back because they're in the setback. Chair
9 Rich stated Mr. Hillsgrove would have to come back to this Board – Mr. Monziona stated they're
10 non-conforming. Mr. LaRochelle stated yes. Mr. Monziona stated they're all non-conforming
11 even if they're not in the setbacks. Mr. LaRochelle stated exactly.

12 Mr. Zuzgo stated with the septic restriction it is still going to be seasonal. Chair Rich stated Mr.
13 Hillsgrove would have to come back to the Board for an approval – let's say all of a sudden you
14 were able to buy one. You would want to refurbish it, remodel it. You would have to come back
15 to this Board. Mr. LaRochelle stated each and every time you would have to come back. Mr.
16 Hillsgrove agreed. Mr. LaRochelle asked what the parking situation was once this building is
17 pulled back from the setbacks. Mr. Hillsgrove stated that in front of the deck there is enough
18 room to park two or three cars there off the road. There is a dumpster there currently because
19 that's the easiest place to put it right now. When he builds it, he is going to move the dumpster
20 towards the edge of the property more. There is plenty of parking. He can fit his big work truck
21 in there no problem and still have room for another car or two in there. Chair Rich stated in his
22 reading of the minutes, Mr. Hillsgrove does not reside there. Mr. Hillsgrove stated he does not.
23 Chair Rich stated Mr. Hillsgrove does not plan on residing there. Mr. Hillsgrove stated he does
24 not. He has a house in Barnstead where he has lived for 20 years. He stated he grew up in Alton
25 he just couldn't afford the land.

26 Mr. LaRochelle asked what the height was of the existing building. Mr. Hillsgrove stated 17-18
27 ft. Chair Rich asked what the height would be. Mr. Hillsgrove stated his guess is around 25 ft
28 because the two stories and then figuring out the pitch roughly around 25 ft. Chair Rich asked if
29 he was overlooking the water. Mr. Hillsgrove stated no. Mr. LaRochelle asked what the height
30 of the existing building alongside of it. Mr. Hillsgrove stated the house is probably 25-28 ft
31 because that's a two story older house as it is now. Mr. LaRochelle stated there's nothing across
32 the street from that property. Mr. Hillsgrove said it is State land. Mr. LaRochelle stated it does
33 not inhibit anybody's view. This property, just to make it clear, is not on the lake. Mr.
34 Hillsgrove stated no. Two hundred and fifty ft is right at his property line from the lake. He
35 stated they looked into that when doing the septic. Mr. LaRochelle stated that is why he asked.

36 Chair Rich stated that Mr. Hillsgrove has heard the objections and the concerns. Mr. Hillsgrove
37 stated yes. He stated he has had Airbnb's before. He has sold them all. He wants nothing to do
38 with Airbnb, and if he said he did his wife would kill him. He is just trying to make it better and
39 right now. He could take what is there, fix it up. He knows Jeremy had some renters in there.
40 They didn't stay that long. It is a small place. He could fix it up and get people in there. He
41 stated he wants to make it nicer to get a better small family in there, single person and give them
42 a good place to live.

1 Chair Rich asked if the Board had any more questions for the Applicant. There were none.

2 Chair Rich asked Mr. Lee to begin working the worksheet.

3
4 *The Board must find that all the following conditions are met in order to grant the Special*
5 *Exception:*

6
7 Mr. Lee stated that a plat/plan has been submitted in accordance with the appropriate criteria in
8 the Zoning Ordinance, Article 500, Section 520.B. The Board agreed.

9
10 Mr. LaRochelle stated the specific site is an appropriate location for the use. The use is not
11 changing. This is a residential neighborhood. It is a residential property. It is remaining
12 residential. He believes the use is appropriate for this specific location. Mr. Monzione agreed.
13 Chair Rich agreed. Mr. Lee agreed.

14
15 Mr. Monzione stated that factual evidence is not found that the property values in the district will
16 be reduced due to incompatible land uses. He believed there was legitimate concern very well
17 expressed. He believed Ann did a very good job of laying everything out in her letters and
18 during this meeting. He also appreciated her background as an expert on this. However, they
19 were talking about whether there would be a reduction in value of properties in the district due to
20 incompatible land uses and the land use isn't changing. It has been there for a long time. He felt
21 if anything, in its current condition, it would probably detract from the surrounding properties
22 and possibly adversely impact the values to be in a neighborhood where there's something with
23 animals living in it. He did not see incompatible land uses. Chair Rich stated that it is his belief
24 that what the Applicant is proposing is actually adding property value in the district for what he
25 proposes to do. Mr. Lee agreed. Mr. LaRochelle agreed that there's no factual evidence that the
26 value will diminish.

27
28 Chair Rich stated there is no valid objection from abutters based on demonstrable fact. He stated
29 there was conjecture, there are hypotheticals that the Applicant has demonstrated what he is
30 trying to do with that particular trailer. Although there are objections by the abutters, he does not
31 believe that they are based on demonstrable facts. They are more hypotheticals of what may
32 happen in the future based on a very difficult piece of property, that as Mr. Monzione said, we
33 need to work on just the criteria. We may not like the idea of the fact that there are five trailers
34 on this property. But that's not what the Board is there for. He stated he believed there were no
35 valid objections based on demonstrable facts for what the Applicant is seeking. Mr. Lee stated,
36 as Paul Monzione just stated mentioned the objections and when people come forward in favor
37 and/or against any specific proposal it is so welcome because the Board wants to hear all sides
38 and want to be educated on neighborhoods and what is transpiring. The Board is also bound by
39 the Ordinances that they have to abide by State law. He also believed there was no valid
40 objection from abutters based on demonstrable fact instead of the hypotheticals or what could be.
41 Mr. LaRochelle stated he also agreed that although the Board heard some good information from
42 abutters and concerns, serious concerns, but some concerns that have not been able to be
43 demonstrated because it is speculation. The Board has to go by the criteria and he agreed that
44 although the Board heard a lot of good preparation that there's no demonstrable fact that was

1 heard at this meeting. Mr. Monzione stated he disagreed with the three Board members and say
2 that there is valid objection from abutters based on demonstrable fact and specifically what he
3 would say was a valid objection was this is a replacement of a trailer to a Stick-Built structure.
4 He stated there's a proposal for a second story. First of all if you're replacing a trailer for a
5 trailer, but they're going from a trailer to a built structure. He stated that in his mind under the
6 Zoning Ordinance to do that it would have to be as close to a trailer instead of a building a
7 completely separate house to replace a trailer. He didn't see anything in the Zoning Ordinance
8 that allows for the expansion upward. He stated with the two-story being proposed on this he
9 stated that there was a valid objection from abutters. (3-1)

10
11 Mr. Lee stated there is no undue nuisance or serious hazard to pedestrian or vehicular traffic,
12 including the location and design of access-ways and off-street parking. Nothing is changing as
13 far as he was concerned in regard to the lot and as far as the structures are concerned and the
14 parking location. At any point, on any property, there can be an overabundance of vehicles, but
15 he doesn't believe there's any undue nuisance or serious hazard. Mr. LaRochelle stated he
16 agreed for the same reason. Mr. Monzione agreed that there was no undue nuisance or serious
17 hazard to pedestrian or vehicular traffic. He stated the only evidence the Board has is that there
18 would be adequate parking for this structure. He agreed there's no undue nuisance. Chair Rich
19 stated he agreed.

20
21 Mr. LaRochelle stated adequate and appropriate facilities and utilities will be provided to ensure
22 the proper operation of the proposed use of the structure. The Applicant has State approval for
23 septic system and all standard electric and meet everything for code, all modern code, brought up
24 to State and Town standards of all aspect of electricity and water. Mr. Monzione agreed. Mr.
25 Hillsgrove stated it already has a brand new well and electric has already been updated with new
26 meters. Mr. Monzione stated he agreed that there are adequate and appropriate facilities and
27 utilities will be provided to ensure the proper operation of the proposed use. Chair Rich agreed.
28 Mr. Lee agreed.

29
30 Mr. Monzione stated there is adequate area for safe and sanitary sewage disposal and water
31 supply. He stated there's an approved septic and they have water for this, so that criteria is met.
32 Chair Rich stated he agreed. Mr. Lee stated he believed it is adequate area for safe and sanitary
33 sewage disposal and water. Mr. LaRochelle agreed.

34
35 Chair Rich stated the proposed use or structure is not consistent with the spirit of this Ordinance
36 and the intent of the Master Plan. He stated that although that Applicant is going to improve it
37 there are some inconsistencies in terms of this really being a residence versus a business.
38 Therefore, he does not believe it is consistent with the spirit of the Ordinance nor the intent of
39 the Master Plan. Mr. Lee stated he disagreed. He stated the proposed use of the structure is
40 consistent with the spirit of this Ordinance and the intent of the Master Plan and its use is going
41 to be the same. He stated it would be on record, a long-term lease. He stated he believed it was
42 consistent. Mr. LaRochelle stated he believed the use and structure is consistent with the
43 Ordinance and the Master Plan. As he stated in the past that this falls under the guidelines of the
44 Master Plan of taking a property and making it into a more consistent use, healthier environment
45 better for the property owner, for the people living there, to bring it up to code and this is

1 something the Board encourages in the Town of Alton to make a better structure out of
2 something that is run down and in disrepair. Mr. Monzione stated he felt having all of these
3 structures on one lot is not something that's in the spirit of the Ordinance but that's been there
4 forever, at least long enough that even though it's in violation of the Ordinance and the use in
5 this application is not changing. The proposed use or structure is consistent with the spirit of the
6 Ordinance and the intent of the Master Plan. The Board does permit replacement by Special
7 Exception. (1-3)

8
9 Mr. Lee asked if there were conditions to add in regard to if this was passed. Mr. LaRochelle
10 stated the Board should have a short discussion on that and what we would want to put on for
11 conditions. Mr. Monzione stated his biggest hang up on this was the expansion upward of this
12 replacement of a structure, in particular, where you're replacing a trailer for a Stick Built house.
13 He stated the expansion upward was the reason he voted against the idea that there was valid
14 objection. He voted that there was. He stated he did not know whether that's the kind of
15 condition. He stated that perhaps while they were doing this, they should have asked the
16 Applicant if that would be considered. He believed it would be within the Board's authority to
17 impose a condition such as that on this application given the nature of our Zoning Ordinances
18 that don't address it and the application being presented to the Board.

19
20 Chair Rich asked what kind of restriction Mr. Monzione was talking about. Mr. LaRochelle
21 stated that Mr. Monzione was talking about height.

22
23 Mr. Zuzgo asked if they keep the same square footage but rearrange the shape so he can get those
24 two bedrooms on one floor is that permitted? Chair Rich didn't see why not. Mr. Zuzgo stated
25 that it doesn't say it has to be in the same footprint, just square footage. Mr. Lee stated it's not
26 becoming more non-conforming within the setbacks. Mr. LaRochelle stated that not going in the
27 setback so that nonconformity goes away of the side setback and frontage. Chair Rich stated that
28 if the Applicant was willing not to build upward –

29
30 Mr. Zuzgo stated that with the grades and everything he's still going to have a walkout basement
31 but he's just going to have the first floor, just not that second floor. Chair Rich stated that if he
32 didn't have the second floor so the height would be at what point. Mr. LaRochelle stated it
33 would be the same, about 18 ft. Mr. Hillsgrove stated there would be the walkout basement and
34 then the upper floor. Mr. LaRochelle stated that would keep it pretty much the same. He asked
35 if that would change the parking. Mr. Hillsgrove stated that it would not. He demonstrated that
36 he would take it towards the back part and make it a little wider. He stated it is a weird L shape
37 right now because of the addition off the trailer. Mr. Lee asked if he would agree to that
38 condition. Mr. Hillsgrove asked if he could do a basement and one floor. Mr. Lee said yes. Mr.
39 Hillsgrove stated that as long as he could make it a square and not the same shape. Mr.
40 LaRochelle stated you could manage to have your two bedrooms. Mr. Hillsgrove stated it would
41 be tight, a lot smaller, but yes. He said if he could take the deck space and make that. Mr. Zuzgo
42 stated that is what they applied for anyway. Mr. LaRochelle stated a condition, which you would
43 have to go before the Board to get a short-term rental, but not to have any short-term rentals. Mr.
44 Hillsgrove stated he was fine with that. Mr. LaRochelle stated that this would be a full long-term
45 rental condition. Chair Rich stated a condition of a long-term rental. Mr. LaRochelle stated that

would never change. Chair Rich asked about parking. Mr. LaRochelle asked whether there was enough parking for two vehicles. Mr. Hillsgrove stated the width from the driveway to the property lines, if they stacked them up, they could put six in there, but three. He stated he could fit his long work truck in sideways no problem, so that's at least three. Chair Rich stated the parking is limited to three parking spaces. Mr. Hillsgrove stated that was fine. Mr. LaRochelle stated three parking spaces keeping it the same height as what you have now and full-time, year-round rental. Chair Rich stated, long term lease. He asked if the Applicant is acceptable to those conditions. Mr. Hillsgrove stated he was.

Chair Rich asked the Board members if they were in agreement with these conditions. Mr. Lee agreed. Mr. LaRochelle agreed. Mr. Monziona agreed.

MOTION: To APPROVE application #Z26-08, on condition that the structure not be expanded to include a second floor, that the parking be at least for three vehicles and that the rental use be long term rental only. Motion by Mr. Monziona. Mr. LaRochelle SECONDS. Chair Rich added that the height would be no more than the height that exists today, 18 ft. Mr. Monziona amended the motion to include an additional condition that the height would not exceed the current height of the trailer. Mr. LaRochelle SECONDS amended his SECOND. Board votes unanimously.

2. NEW APPLICATIONS

Case #Z26-10 Jaimie Nystrum, Owner	Map 50 Lot 1 24 Loon Cove Road	Variance Lakeshore Residential (LR) Zone
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A Variance is requested from Article 300, Section 320.E.1 of the Zoning Ordinance for the Expansion of a non-conforming structure by adding a Lean-to on a garage.

Mr. Monziona stated he wanted to recuse himself from this case.

Chair Rich stated that the Board gives the applicant the choice not to have their case heard because the Board is only comprised of three members with the absence of Mr. Monziona.

Mr. Flueckiger stated he was fine with just the three. He did add that he didn't like the fact that a person can't have a conversation with someone on the Board to find out exactly what you need to do. He meant no offense to Ms. McClain but stated she was only limited to what she knows, and it is frustrating when you're trying to figure things out. He stated you go to the Building Department and talk to the inspector and find out what you have to do. He stated when you come to the Board you come in blind. Mr. LaRochelle stated, you don't know what to expect. Mr. Flueckiger agreed. He stated if you could have a conversation with someone on the Board and say what do I need. Mr. LaRochelle agreed that it made sense.

Mr. Monziona stated he did not want for there to be an appearance that the applicant got some inside help. Mr. LaRochelle stated there are people that ask questions in general all the time, and that's fine. He stated that that was not the case with this specific case.

MOTION: To APPROVE the application for Case #Z26-10 as COMPLETE. Motion by Mr. LaRochelle. Mr. Lee SECONDS. Board votes unanimously.

1 Mr. Flueckiger started off by showing the plan. He stated he didn't think it was clear. He
2 demonstrated the original house and original garage and then he demonstrated what he wanted to
3 add was a Lean-to to the right of it. He stated that this was the proposed plan that they presented
4 to the Board last Fall for the zoning and it was approved. They have decided since then to do a
5 Lean-to and that is what he asked Mr. Monziona about was whether you have to amend it or do
6 the whole thing over again. He said that Mr. Monziona said he had to do the whole thing over
7 again.

8
9 Mr. Lee asked where Jesus Valley was on the map. Mr. Flueckiger demonstrated where Jesus
10 Valley was on the map.

11
12 Chair Rich asked if Mr. Flueckiger had any further statements. He did not. Chair Rich asked if
13 the garage was up already. Mr. Flueckiger stated it was. He stated they put a second floor on the
14 garage two years ago and the biggest reason they didn't do it at the time was they had to go
15 through DES if they disturbed any of the land. So they just put the second floor on the garage.
16 He stated when they did the house, they went through the whole zoning thing. He wished he had
17 done it the last time they were before the Board.

18
19 Chair Rich asked if the Board had any questions for Mr. Flueckiger. There were none. Chair
20 Rich asked if there were any other issues. Mr. Flueckiger stated that everything that is there is
21 original. He stated the way garage is, it is probably outside (the setback?). Mr. Lee stated that
22 that is the reason Mr. Flueckiger is there, because it is already a non-conforming structure and he
23 is adding onto the non-conforming structure. Mr. Lee stated that in this case, this is a very
24 unique piece of property. He stated that Mr. Flueckiger is really strangle held because of the lack
25 of property. Mr. LaRochelle stated it is pretty narrow. Mr. Flueckiger stated you could put a
26 bowling alley in. Mr. Lee stated he went by there. Mr. Flueckiger stated that everybody kept
27 asking him what he was going to do and he stated he was torn between 40B and a bocce court.

28
29 Mr. LaRochelle stated for the record, that this is additional Lean-to an existing non-conforming
30 garage that is going to be 13 x 22. Mr. Flueckiger agreed. Mr. LaRochelle stated that is what
31 Mr. Flueckiger is adding to the side of the existing garage. Mr. Flueckiger agreed.

32
33 Chair Rich asked if there were any more questions from the Board. Mr. LaRochelle stated there
34 was one comment he wanted to read for the record, from the Conservation Commission, that the
35 sketch of the lean does not show the relationship to the garage. Mr. Flueckiger stated they never
36 got any picture of any of that. They didn't see what the Board was seeing. He stated he talked
37 with them the day of this meeting and knows he still has to go to DES and get it approved of by
38 them. Chair Rich stated that a condition would need to be added to this application because the
39 applicant needs to go to DES. The condition would be that Mr. Flueckiger has to get the
40 approval of DES. Mr. LaRochelle stated that they had questions about the amount of the area.
41 Mr. Flueckiger stated he just got the letter today from Conservation. He stated that if he had
42 known about it before he would have given them the same thing he gave the Board showing
43 everything that they were trying to do because DES had no idea that there was an existing garage
44 there. He asked if that was what they said in the letter. Ms. McClain stated that was correct.
45 She stated they got the plans and the narrative. She doesn't send pictures or a lot of extras to the

1 Department heads. All Department heads get a copy of the plan proposal and a copy of the
2 narrative which is the explanation. Mr. Flueckiger stated he thought Ms. McClain stated she
3 couldn't see the garage on there. Ms. McClain stated she had a hard time seeing the garage or
4 seeing where the Lean-to was because --. Mr. Flueckiger stated it was separate in the picture.
5 He stated he put the first one with the Lean-to and the second one with the garage so it would be
6 easier for the Board to see.

7
8 Mr. LaRochelle asked if Mr. Flueckiger stated that he had heard from DES today. Mr. Flueckiger
9 stated he had just received a letter today from Conservation. He stated he didn't believe that
10 affected anything other than he has to go to DES. Ms. McClain stated it is an opportunity that
11 she send out the reviews, it's an opportunity for Mr. Flueckiger to have a chance to look at it to
12 address it. Ms. McClain stated that normally it is received sooner. Mr. Flueckiger stated it
13 wasn't a problem and it didn't affect anything because basically it says he has to go to DES. Ms.
14 McClain stated she gave him a copy of the department review today. She stated she believed it
15 was one of their concerns.

16
17 Chair Rich asked if Mr. Lee had any more questions. He stated he had none. Mr. LaRochelle had
18 no further questions. Chair Rich opened up to public input. He asked if anyone in the audience
19 had any comments in favor. There were none. He asked if anyone in the audience had
20 comments in opposition to this application. There were none. Chair Rich closed to public input.

21
22 Chair Rich asked if Mr. Flueckiger had any further comments before they got into his
23 application. He had none.

24
25 Chair Rich asked Mr. LaRochelle to begin working the worksheet.

26
27 *The Board must find that all the following conditions are met in order to grant the Variance:*

28
29 Mr. LaRochelle stated that the Variance **will not** be contrary to the public interest. Chair Rich
30 agrees. Mr. Lee agrees.

31
32 Chair Rich stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the
33 intent of the Master Plan and with the convenience, health and safety and character of the district
34 within which it is proposed. The applicant has a long narrow piece of property. It is really not
35 conducive to do a lot of things and he felt this is exactly the spirit of the Ordinance in the Master
36 Plan and it is certainly not going to affect the convenience, health, safety and character of the
37 area. He stated it would in fact enhance it. Mr. Lee agrees. Mr. LaRochelle agrees for the same
38 reasons.

39
40 Mr. Lee stated by granting the Variance substantial justice **will** be done. He stated as Chair Rich
41 already brought out it is a very narrow parcel of land and the current structure is there, looks
42 fantastic and this will enhance the property, and he believed substantial justice will be done. Mr.
43 LaRochelle agrees. Substantial justice will be done.

Mr. LaRochelle stated that the request **will not** diminish the value of surrounding properties. He stated this will likely enhance and look better as far as the neighborhood is concerned. Chair Rich agreed. Mr. Lee agreed that it would not diminish.

Chair Rich stated that for the purposes of sub paragraph unnecessary hardship means that owing to Special Conditions of the property that distinguish it from other properties in the area, **no** fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property. He agrees. He also stated the proposed use is a reasonable one. He stated the property is very narrow and the hardship is obvious that the applicant can only do certain things on this property because of the setbacks and everything else, including DES. He stated he felt the hardship is very obvious. Mr. Lee agreed there was no fair and substantial relationship in regard to the general public. He stated it is the same use and it is a reasonable one. Mr. LaRochelle stated he agreed as well for the same reasons.

MOTION: To ACCEPT with conditions application #Z26-10 with the condition of the approved DES plan approval. Motion by Mr. LaRochelle. Mr. Lee SECONDS. Board votes unanimously.

Case #Z26-11 Crystal Eastman-Varney, Esq., Agent for Monty & Donaciana Rudd, Owners	Map 26 Lots 6 & 7 32 Suncook Valley Road Suncook Valley Road	Special Exception Residential Commercial (RC) Zone
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A **Special Exception** is requested from Article 300 Section 320.F of the Zoning to permit an access easement across Map 26 Lot 6 to the landlocked parcel Map 26 Lot 7.

Crystal Eastman Varney Esq from Ossipee, representing The Rudds. She stated in her experience she will go through and read what was written for the application. She stated the Board could proceed and direct her what she should do.

Chair Rich stated that they need to approve the application as complete and then they can go from there.

MOTION: To ACCEPT application #Z26-11 as COMPLETE. Motion by Mr. LaRochelle. Mr. Lee SECONDS. Board votes unanimously.

Ms. Eastman Varney asked the Board to tell her how she should proceed and she would accommodate. Chair Rich stated instead of reading the whole thing just explain what the applicants are looking for.

Ms. Eastman Varney stated that her clients purchased a piece of property as you go around the traffic circle, it is the first piece of property, 32 Suncook Valley Rd. She stated they then purchased the property directly behind it which was a peninsula-shaped landlocked first parcel. She stated because it was landlocked they needed an easement to get to the back. She stated now they own both parcels and they would like to put an easement to get back there and only for the

1 purpose of building a residential dwelling. She stated at this point in time they could not really
2 discuss the residential dwelling because they need an easement to get there and according to the
3 Zoning Ordinance you can't do anything back there without an easement. She stated in order to
4 get an easement you've got to get a Special Exception so that is why they are there.
5

6 She stated that they have had multiple surveys done, and then one to literally show where the
7 proposed easement would be. She stated that she noted in the application that the purpose of the
8 Zoning Ordinance and the Master Plan is productive use of the land and putting a residential
9 dwelling back there would be productive use. She did not believe there would be any expansion
10 of anything as far as any more traffic or causing any safety or health or welfare issues. The
11 property is currently zoned commercial and residential. She stated the traffic that is going by
12 right now is the same amount of traffic. They are just asking for a driveway to get to the back
13 parcel. The previous owner had noted, and she was sure anyone in the area would probably
14 know that when they redid the bridge construction on Route 28 they used that parcel of land.
15 They went over this nonexistent easement where they're asking to make an easement, they used
16 that back parcel to store materials and supplies. They were using heavy equipment, dump trucks
17 and the like to get back there. She put that in there noting that that the easement was strong
18 enough to hold it at that point in time. She stated they understood there would be other things
19 that they need to jump through in order to actually get the easement. She stated right now
20 they're asking for the right to have the easement based on the proposal they put in the plan and
21 also based on what they put in the application. She knew that there were a couple of things that
22 were pointed out that they received the morning of the meeting. One was the Conservation
23 Commission indicating, which she thought was strange, that it seemed too soon to be asking for
24 an easement because they don't know what they want to use the land for. The application states
25 many times, including in her letter, which they signed indicating she was their agent, that they
26 want to put a residential dwelling back there. She stated she was unsure why it seemed too early
27 to ask for it because they can't do anything back there until they get the easement to begin with.
28

29 She stated the other issue was with the ability to get a fire truck back there, which they
30 understand is completely necessary. It obviously would be against the Ordinances if they
31 couldn't get a fire truck back there. That would affect public safety. Mr. LaRochelle stated that
32 was correct. She stated that in this situation we know that dump trucks have been brought back
33 there. She stated that most dump trucks are 80,000 gross vehicle weight. She stated they want
34 something like a fire truck that is 67,000. She stated she did not believe that would be a difficult
35 situation. She stated obviously her clients are willing to jump through whatever necessary hoops
36 there are to make this easement area strong and not affecting any shorelands or wetlands or
37 anything like that. She stated if it needs to be built up or put something in that's going to make it
38 – it's a small area. She stated it is not a big right of way; it is very small because it's still on the
39 land. They would not be filling in any wetlands or anything like that. It should be on the survey.
40 The big thing about it is that they show the area on the survey where the easement would actually
41 be, but really what they want to do is just expand their driveway. She stated their driveway goes
42 in where it is right now. So it might actually go in around the building and then go to the back.
43 She stated that for the purpose of possible sale of the back lot in the future they would like that
44 easement to actually have that from the road.
45

1 The applicants have contacted NH DOT. The curb cut has been approved. There's no expansion
2 of the use or anything like that, because it is just residential dwelling back there. For right now
3 what they're using it for, there's no problem with NH DOT.
4

5 Mr. Monzione asked if he could ask a question. He stated there are two separate lots of record.
6 Ms. Eastman Varney agreed. Mr. Monzione stated one of which is landlocked. She agreed. He
7 stated the landlocked lot needs an easement to gain access to the public way, (28?). She stated
8 under Article 300 Section 320.E. He stated that was what he was getting to next. He stated that
9 you go to the owner, which happens to be the applicants, and you buy an easement and you're no
10 longer landlocked and you have that. He stated he would imagine that that's a transaction that
11 can take place without any Town involvement. He stated it is a sale of land between two private
12 individuals; you just happen to be both of them. So you sell yourself an easement and you've
13 got an easement. He stated he does not understand what Special Exception has anything to do
14 with any of this because looking at non-conforming lots, and he didn't understand what that even
15 meant in this context. He asked if the lot that is trying to acquire the easement a non-conforming
16 lot. Ms. Eastman Varney stated it is. He stated that is because it doesn't have road frontage. She
17 stated it does not have the required amount of road frontage. He asked if this was all one lot at
18 one time. She stated it has always been two separate lots of record. He asked if the structure is
19 already on it. She stated there's no structure. She stated there's never been a structure. He asked
20 if they wanted to build a structure. She stated they did. He stated in order to build a structure it
21 cannot be landlocked. He asked if that wouldn't be a Variance then. He stated if you want a
22 buildable lot that doesn't have the required road frontage, and the Zoning Ordinance requires you
23 to have road frontage wouldn't you get a Variance and as part of the Variance application say by
24 the way, I'm going to have an easement. He stated a lot of times if there were two private
25 parties, to separate, instead of one owning both, you would make the deal and say I'm going to
26 buy this subject to the town giving a Variance to allow me to have a buildable lot, just by using
27 an easement to gain my road frontage. He stated however, when he reads the non-conforming lot
28 320.F which is horribly written –
29

30 She stated Section F, non-conforming lots, a single-family residence may be erected on any
31 legally existing lot that is non-conforming due to inadequate frontage and or lot size below the
32 required minimum provided the lot meets all other applicable requirements of this Ordinance and
33 all necessary state and local permits are obtained. Any other use must first obtain a Special
34 Exception from the Zoning Board of Adjustment. She stated that is why they are there.
35

36 Mr. Monzione stated that is the part he doesn't understand. He stated that she interprets that as
37 requiring a Special Exception. He stated any other use, in other words, a use other than single
38 family residence. He asked if that was what they were talking about. She disagreed. She felt it
39 was saying that the use right now is going to be for the easement, a right-of-way to get over it.
40 He stated that he's talking about the non-conforming lot which is the back piece. He stated that
41 is landlocked. That is what makes it non-conforming. He stated that the Ordinance says you
42 have to have all other requirements of the lot, it has to be buildable and all other ways. She
43 agreed. He stated, in other words there has to be a building area, setback requirements and all of
44 that. She agreed. He stated it is talking about a single-family residence being erected on any
45 legally existing lot that is non-conforming. He stated that even if you have the non-conforming

1 lot you get to erect a single-family residence on it. He stated if it is non-conforming due to
2 inadequate frontage lot size or required minimum provided you meet all other requirements, then
3 it says any other use, which he understands other than a single-family residence, must first obtain
4 a Special Exception from the zoning Board. He stated that to him it seems the way this was
5 written there are saying it's okay to build a single-family residence on any legally existing lot
6 that is non-conforming due to inadequate frontage or lot size. He asked if inadequate frontage
7 was their problem. She agreed. He said the lot size is not the problem.
8

9 Mr. Rudd stated he appreciated Mr. Monzione's interpretation. He stated he agreed. They
10 reached out to the Town and asked the question and they were told this is the process that we
11 needed to go through. Mr. Monzione stated, a Special Exception. He stated he didn't blame them
12 for saying that because he's not sure that the language on the Ordinance is all that clear. Mr.
13 Rudd agreed that it was confusing. Mr. Monzione stated he appreciated the effort is better made
14 than not made. He agreed it was good that they came to the Board and that they have a well-
15 done application for the Board's consideration. He stated just sitting as a member of the Board,
16 which he stated the Board would be unhappy that he was the alternate for this meeting. He
17 stated he just didn't know under what Zoning Ordinance the Board would say you need a Special
18 Exception and then deciding how you meet the criteria of that Special Exception. He stated that
19 the Zoning Ordinance doesn't prohibit you from buying an easement. That is lawfully allowed.
20 He stated that normally you would say you can't build a house because you don't comply with
21 the frontage requirements which would normally mean you've got to get a Variance. You would
22 say you don't have any road frontage, but I do have an easement so can I have a Variance. He
23 stated that is how typically these have always happened. He stated with this language you are
24 coming in for a Special Exception. Mr. LaRochelle stated so be it, it is right there.
25

26 Ms. Eastman Varney stated he was probably right that they probably do not need that. She stated
27 it was recommended by the Building Inspector. Mr. Monzione understood. She stated that the
28 language is ambiguous in the sense that maybe it shouldn't be written in that way.
29

30 Chair Rich asked if there were any other questions. Mr. Monzione stated he had no idea. He
31 was uncertain of what Special Exception they were applying for. Chair Rich stated that as he
32 read it they don't need a Special Exception. Mr. Monzione stated it is a single-family residence
33 may be erected. He stated that in other words, go ahead and do it. He continued reading, that in
34 any other must first obtain a Special Exception. Chair Rich stated it is a single-family residence.
35 Mr. Monzione stated let's say they wanted to put a building for a store, now they've got to come
36 in for a Special Exception and say, I have an easement can I put erect a building for a store here.
37 He stated that this one specifically says a single-family residence may be erected. He asked why
38 they need the Special Exception. Chair Rich stated he did not know. Mr. Monzione stated he
39 hated to ruin it for everybody.
40

41 Chair Rich suggested the Board consider the applicants don't need a Special Exception and what
42 they need is a Variance. Mr. Monzione stated he was uncertain if they even needed a Variance
43 because it permits it when it says a single-family residence may be erected on any legally
44 existing lot. Chair Rich asked if the Board brought the applicant to this hearing for nothing. Mr.
45 Monzione stated it is permitting it. He said it states that they can do it. They can build a single-

1 family home. Chair Rich stated the applicants don't need a Special Exception. Mr. LaRochelle
2 stated that what Mr. Monzione is saying is it doesn't fall under a Variance either. Mr. Monzione
3 stated no, it is being allowed. It only applies if it is non-conforming due to inadequate frontage
4 or lot size being below the minimum provided, and provided the lot meets all other applicable
5 requirements of this Ordinance and all necessary state and local permits are obtained. The way it
6 is written, the Town is allowing people to build single family residences on non-conforming lots
7 if those lots are non-conforming because they have inadequate frontage, or they have inadequate
8 size or not the right lot size. This Ordinance needs to be changed because right now it is wild
9 west, free game.

10
11 Mr. LaRochelle asked if this Ordinance had changed at all in the current book last year. He
12 asked if the language changed.

13
14 Ms. Eastman Varney stated what she had was straight from the website. Mr. Lee stated as far as
15 guidance here we are today. He stated that Special Exception isn't needed because the language
16 that's noted actually proves their case that it's not needed. With that being said, to clear
17 confusion going forward, their next step is to get an approved easement. Mr. Monzione stated
18 they can purchase an easement. Mr. Rudd said they granted it to themselves. Chair Rich stated
19 the applicants can grant the easement to themselves. Mr. Monzione stated he believed DOT is
20 going to have something to say about whether that same curb cut is okay to accommodate now
21 an entirely separate lot.

22
23 Ms. Eastman Varney stated they have weighed in on that. Mr. Monzione stated it was approved
24 for one lot and now you're going to have two lots using that curb cut. He stated DOT may want
25 to weigh in on whether you should have two separate lots using the same curb cut.

26
27 Mr. Monzione stated what if it gets denied. He stated this is a priority for ZAC this year to take a
28 look at this Ordinance and see whether this is really what was meant to say, that it's okay to build
29 a single family residence on a non-conforming lot as long as the non-conformance is because of
30 road frontage, which by the way is the one non-conforming thing that most often happens and
31 they come for a Variance when that happens.

32
33 Mr. LaRochelle added that within the last three months there was a similar case that had two
34 existing properties on a lot and they wanted to put a third. They had a third driveway to get to
35 the third lot. He stated that was a Special Exception. Mr. Monzione stated it wasn't landlocked
36 because they would have had access from Route 28 but they wanted to take access from that
37 other road. Mr. LaRochelle stated they didn't want to have access from Route 28. Mr. Monzione
38 stated that lot was not non-conforming because of lack of frontage they just didn't want to be
39 putting traffic out on 28. Mr. LaRochelle stated they couldn't gain access on 28 because the state
40 wouldn't allow it. He stated it was basically a hardship. They couldn't gain access there so they
41 had to use and come from the same driveway on Bay Hill Road.

42
43 Chair Rich directed the Board back to the applicant. He asked what the Board would say to the
44 applicant that they do not need this Special Exception because of how the Board reads the
45 Ordinance. Mr. Monzione stated that rather than making that definitive statement he thought

1 they should say that the Board is not able to identify what Zoning Ordinance the Special
2 Exception application is being brought under and therefore – he stated he wouldn't deny it. He
3 was unsure.

4
5 Mr. Rudd asked what there was to deny at this point. As far as Mr. Rudd understood the
6 application is withdrawn as it is not needed. He stated that all four Board members agree.

7
8 Chair Rich stated that he would recommend to the applicant that they don't want to deny it. Mr.
9 Monziona agreed. He stated they hadn't even gone through it yet. Mr. LaRochelle stated
10 according to the Ordinance it is an allowable use. Mr. Monziona stated he felt if the applicant
11 wants to withdraw the application that's fine. He stated then there's no action on the part of the
12 Board for or against. He stated if it becomes an issue down the road, it can be addressed. He
13 stated he didn't want to see the applicant lose any time. He stated if he is to sit and decide how
14 this fits into a Special Exception, he doesn't see anything in the Zoning Ordinance that this
15 application falls under.

16
17 Chair Rich stated it would probably be best to withdraw it, create your easement. He stated that
18 if he were the applicant, create the easement and talk to the state about the road cut, utilizing two
19 homes on it, which again, I want to believe they're not going to have too much issue and from
20 the Board's perspective and his perspective personally, it would be that you don't need a
21 Variance or a Special Exception because you own both properties.

22
23 Mr. Rudd stated that it was great and he appreciated that. Chair Rich stated that if you want to
24 sell the lot you've sold it with the easement and you have the approval from the state that that
25 road cut can be utilized. Mr. Rudd was in complete agreement.

26
27 Chair Rich stated that the moment that Mr. Monziona was off the ZAC committee they started to
28 have issues. He stated Mr. Monziona reads every word and makes sure from every angle.

29
30 Mr. Rudd stated that how it was read was how he interpreted it. He was a little confused, but
31 they were guided down this path as this was what they needed to do. Mr. LaRochelle apologized
32 for the inconvenience. Ms. Eastman Varney stated that the language was bolded.

33
34 Chair Rich stated that he needed the applicant to tell him that they wished to withdraw. Mr.
35 Rudd asked the Board to please withdraw the application. Chair Rich stated the Board accepted
36 his withdrawal.

37
38 **3. PUBLIC HEARING FOR ADOPTION OF TOWN OF ALTON ZBA UPDATED**
39 **APPLICATION FEE SHEET**

40
41 Chair Rich asked what this was about. Mr. LaRochelle stated it is the acceptance of public
42 hearing to consider the adoption of the amendment for the Town of Alton Zoning Board of the
43 amendment of the proposed new prices.

44
45 Chair Rich asked if a vote was needed on this. Ms. McClain asked to clarify for the Board. She

1 stated that when a change comes before the Board, she brought the change last month before the
2 Board and once the Board agrees to the change as okay, then it gets set up for public hearing.

3
4 Mr. LaRochelle asked if everybody has been properly notified, the public. Ms. McClain stated it
5 has been notified within public places and in the newspaper. Mr. LaRochelle stated the Board
6 just needed to do the formality for the camera. Ms. McClain agreed.

7
8 Mr. Lee stated he would read through it, and the Board could make a motion.

9
10 Notice is hereby given a public hearing is to be held on Thursday, May 7th 2026 at the zoning
11 Board of adjustment meeting, starting at 6pm in the Alton Town Hall as follows:

12
13 A public hearing to consider the adoption of the proposed amendment to the town of Alton
14 zoning Board of adjustment appeal application guide. The proposed amendment enclosed
15 updates, the application fee schedule. The full text copy of the proposed appeal application
16 guide fee sheet is available at the town hall planning department free of charge during regular
17 business hours or on the towns website at www.alton.nh.gov and will be available at the public
18 hearing.

19
20 Sincerely,

21
22 The Alton Board of Adjustment

23
24 Mr. LaRochelle asked if Mr. Lee wanted to state the actual fees themselves. Mr. Lee agreed.

25
26 Mr. LaRochelle stated the first fee that would be changing would be for abutters and other
27 individuals notices from \$6.00 to \$10.00 per abutter. A notice of decision from \$1.00 to \$2.00
28 per applicant, owner/agent. And newspaper notice going from \$75 to \$90.

29
30 Mr. Lee stated this was previously approved at last meeting. He stated this is just the public
31 hearing on it.

32
33 Chair Rich stated seeing no one in the public, the meeting is closed to public.

34
35 **1. Previous Business:** None

36 **2. New Business:** None

37 **3. Approval of Minutes:**

38
39 Mr. Lee stated he was in attendance, Paul LaRochelle and Paul Monziona. Mr. LaRochelle
40 stated he did not see any needed corrections. Mr. Lee stated he didn't see anything egregious in
41 it.

42
43 **MOTION: To APPROVE the ZBA Thursday April 2, 2026 meeting minutes. Motion by**
44 **Mr. LaRochelle. Mr. Lee SECONDS. The Board votes unanimously.**

ELECTION OF OFFICERS FOR 2026-2027

Mr. Lee stated that it was not noted on the agenda, but the Board would do it based on the lack of members at this meeting. They were supposed to take a vote as far as Board members. Chair Rich stated he recommended that the full Board be in attendance when they make the change, so when Tim (Morgan) and Joe (Mankus) are available.

MOTION: Mr. Monziona MOTIONS that the Election of Board Officers be continued until the next scheduled meeting, next month. Mr. Lee SECONDS. The Board votes unanimously.

MOTION: Mr. Monziona MOTIONS for adjournment. Mr. LaRochelle SECONDS. Board votes unanimously.

ADJOURNMENT

Chairman Frank Rich

Respectfully Submitted,

Sandra Monaco, Recording Secretary