TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MEETING
Thursday, September 3, 2026, at 6:00 PM
Alton Town Hall

MEMBERS PRESENT
Joseph Mankus (Chair & Member)
Frank Rich (Vice Chair)
Paul LaRochelle, Member & Selectman's Representative
Tom Lee

OTHERS PRESENT
Cameron Armstrong
Tom Varney
Josh Thibeault
George Destremps
Carl Campbell
David Countway
Gary Nadeau
Terri McHugh

CALL TO ORDER
Chair Mankus called the meeting to order at 6:00 P.M.

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

Chair Mankus asked if there were any changes to the agenda. Mr. Armstrong stated that in the area of "New Business", he wanted to go over rules for the Board appointing alternate members. He stated the Board could read over the bylaws, so they are familiar with that process. Chair Mankus asked if there were any other changes to the agenda. There were none.

MOTION: To ACCEPT the Agenda with the change mentioned by the Town Planner which he has asked the Board to look at under "New Business". Motion by Mr. Rich. Mr.

LaRochelle SECONDs. Motion passed unanimously.

Note: It was decided that the order of the cases being heard would be switched to allow Case #Z26-16 to be heard first and Case #Z26-15 thereafter.

1. CONTINUED APPLICATIONS

Case #Z26-15 Carl & Karen Campbell, Owners	**Map 72 Lot 35** **44 Larry Drive**	**Variance** **Rural (RU) Zone**

A **Variance** is requested from **Article 400 Section 452.A** of the Zoning Ordinance to increase the lot size from .28 AC to .35 AC to make location for the existing house (built 11/30/2018) conforming to the property lines and setbacks.

Carl Campbell asked if the Board wanted to change the agenda to have Mr. Destremps come before the Board first since they were giving up the land.

Chair Mankus stated the Board would consider Case #Z26-16 first.

Case #Z26-16 George and Cheryl Destremps, Owners	**Map 72 Lot 36** **36 Larry Drive**	**Variances** **Rural (RU) Zone**

1. A **Variance** is requested from **Article 400 Section 452.A** of the Zoning Ordinance to decrease the lot size from .81 AC to .74 AC to make location of a neighboring house conform to its property lines and setbacks.

Chair Mankus asked the party to identify himself.

George Destremps, owner of 36 Larry Drive.

Mr. Rich thanked Mr. Destremps for coming again. He stated that the Board had suggested that he come back because the Board felt that they were not doing things appropriately and wanted to make sure that the appropriate variances were in place. The Board understood what he and his wife and the Campbell family were doing and completely agreed that the situation is unfortunate. The Board wanted to be sure, for the record, that they handled the matter correctly. He stated that unless someone on the Board has further questions the Board has already gone through what the issues were during the last meeting. He asked if there was anything that Mr. Destremps would like to add. He had no further comments.

Mr. Armstrong stated that he did get confirmation from the Town Attorney that the two variances in this case and the three variances on the Campbell's case are the correct method for the Board to pursue for the relief. Additionally, the Planning Board has voted to approve the lot line adjustment subsequent to this meeting.

Mr. Rich stated, for the record, the Town Attorney has agreed that these are the appropriate steps to take. He stated that the Board is fortunate to have Mr. Monzione on the Board because he saw

the issue and it was appropriate because down the road the Destremps and Campbells may have had an issue.

Mr. Lee stated the application should be accepted as complete, then motion, then public input, and then go through the worksheet was how he understood it. Mr. LaRochelle stated there was one more thing that the Board did not vote on, which was to switch the cases, which he believed they should. Chair Mankus agreed.

MOTION: To change the order in which cases are heard. Case #Z26-16 was to be heard first and followed by Case #Z26-15 second. Motion by Mr. LaRochelle. Chair Mankus SECONDs. The Board votes unanimously.

MOTION: To ACCEPT Case #Z26-16 as COMPLETE. Motion by Mr. Rich. Mr. Lee SECONDs. The Board votes unanimously.

Chair Mankus opened to public input. There were no comments from the public.

Chair Mankus moved to the worksheet.

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

Chair Mankus stated that the Variance **will not** be contrary to the public interest. He stated this would correct the issue of someone's house going through the other's lot line. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. He stated that the spirit of the ordinance and Master Plan was to deal with such issues like this through neither applicants' fault there was an error in the lot. Mr. LaRochelle agreed the request is in harmony with the Zoning Ordinance and Master Plan. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated by granting the Variance substantial justice **will** be done. He stated there is nothing that is going to go against any of the other properties. This is making it more conforming. Mr. Lee agreed. Chair Mankus agreed and stated this is just correcting an oversight from some years ago. Mr. Rich agreed.

Mr. Lee stated that the request **will not** diminish the value of surrounding properties. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle stated he agreed as well.

Chair Mankus 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 agreed. And the proposed use **is** a reasonable one. Chair Mankus agreed to both. He stated it is more than

reasonable. Mr. Rich stated the hardship is significant in this particular case because of the mishap of the home being built on someone else's property by mistake. He stated that the applicant deserves to get this relief, and the proposed use is a reasonable one. Mr. LaRochelle agreed for the same reasons. Mr. Lee agreed.

MOTION: To ACCEPT application #Z26-16 for a Variance from Article 400 Section 452.A to decrease the lot size from .81 AC to .74 AC to adjust the property line which currently runs through the kitchen of an existing structure. Motion by Chair Mankus. Mr. Rich SECONDs. Board votes unanimously.

Chair Mankus reviewed the second variance for Case #Z26-16

2. A **Variance** is requested from **Article 400 Section 452.B** of the Zoning Ordinance for the creation of a new lot of record under the 200 ft required street frontage.

He stated this falls pretty much under the same situation as the Variance for A.

MOTION: To ACCEPT #Z26-16 for Variance Article Section 452.B. Motion by Mr. LaRochelle. Mr. Lee SECONDs. Board votes unanimously.

Chair Mankus opened to public input. There were no comments from the public.

Chair Mankus began the worksheet.

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

Mr. Rich stated that the Variance **will not** be contrary to the public interest. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. A denial of this variance would definitely create hardship for both property owners, being two properties on the same property. This is exactly what the Board would encourage people to do in a situation like this with a Zoning Ordinance and following the Master Plan. Mr. Lee agreed. Chair Mankus agreed this follows the intent of the Master Plan where the Board is slowly chipping away at nonconformities. Mr. Rich agreed.

Mr. Lee stated by granting the Variance substantial justice **will** be done. He stated it was pretty straightforward. This was an injustice that happened years ago, and the Board is correcting a wrong. By granting this variance substantial justice **will** be done. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus stated that the request **will not** diminish the value of surrounding properties. He stated, if anything, it will bring the value of the neighborhood up a bit, one less nonconformity. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. 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 agreed. And the proposed use **is** a reasonable one. This is a very special condition of hardship where the applicant was unaware that the property that he owned had an additional kitchen on it. It was a surprise to the applicant once he found out. This variance recognizes that hardship. The proposed use is an absolute reasonable one. The Board commends the applicant with doing what he believes is the right thing. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

MOTION: To ACCEPT the application for variance for Case #Z26-16 B. Motion by Chair Mankus. Mr. Rich to ACCEPT the application for variance 452.B. Mr. Lee SECONDs. Board votes unanimously.

Chair Mankus called Case #Z26-15.

Case #Z26-15 Carl & Karen Campbell, Owners	**Map 72 Lot 35** **44 Larry Drive**	**Variances** **Rural (RU) Zone**

Chair Mankus stated, just as with the prior case, the Board has reviewed this. He stated this is more or less a formality to go through the process.

MOTION: To ACCEPT the application for Variance for Case #Z26-15 under Article 400 Section 452.A. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

Chair Mankus opens to public input. There were no public comments.

Chair Mankus moved to the worksheet.

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

Mr. LaRochelle stated that the Variance **will not** be contrary to the public interest. The house is preexisting, it was unknowingly built on a property line of Lot #36. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. This is certainly in harmony and once again just righting a wrong. Chair Mankus agreed. Mr. Rich stated for the same reasons, he agreed. Mr. LaRochelle agreed.

Chair Mankus stated by granting the Variance substantial justice **will** be done. He stated they were fixing an error. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated that the request **will not** diminish the value of surrounding properties. This will only enhance the value by taking away some of the non-conformity by the applicant. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated that for the purposes of sub paragraph unnecessary hardship means that owing to Special Conditions of the property that distinguish it from all 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. As was already stated a line currently runs through the kitchen of the house on Lot 35. He agrees this is definitely a hardship. And the proposed use **is** a reasonable one. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

MOTION: To GRANT Variance for Case #Z26-15 from Article 400 Section 452 A. Motion by Mr. Lee. Mr. Rich SECONDs. Board votes unanimously.

MOTION: To ACCEPT application for Variance Article 400 Section 452.B for Case #Z26-15. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

Chair Mankus opened to public input. There were no public comments.

Chair Mankus moved to the worksheet.

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

Mr. Lee stated that the Variance **will not** be contrary to the public interest. He stated it certainly would benefit everybody involved in the situation. It would not be contrary to Alton public interest now that they're getting the lot lines correct. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated by granting the Variance substantial justice **will** be done. An error was made in 2018. Mr. Campbell is trying to rectify that with his neighbor and the Board commended them for what they were doing. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated that the request **will not** diminish the value of surrounding properties. He stated that this will increase the value of the surrounding properties and make the property itself more valuable. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee 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 to the property. He agreed. And the proposed use **is** a

reasonable one. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed for same reasons. Mr. LaRochelle agreed.

MOTION: To ACCEPT Variance for Article 400 Section 452.B of Case #Z26-15. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

Case #Z26-15 Carl & Karen Campbell, Owners	**Map 72 Lot 35** **44 Larry Drive**	**Variance** **Rural (RU) Zone**

3. A Variance is requested from Article 300 Section 327.A.4 of the Zoning Ordinance to allow the creation of a new lot for the structure within the 20 ft side setback.

Chair Mankus stated the Board has already gone through this whole case.

MOTION: To ACCEPT application for variance. Motion be Chair Mankus. Mr. LaRochelle SECONDs. Board votes unanimously.

Chair Mankus opened to public input.

David Countway, Realtor, Maxfield Real Estate. This has been very stressful for Mr. Campbell and his wife. They found a wonderful property in Alton on Larry Drive. He stated that he was not representing Mr. Campbell. The previous owner of the property had lived there for five years unaware of the boundary encroachment. She had done some beautiful landscaping on the right side of her property. He learned in talking with Mr. Campbell that there was a firepit in the backyard that perhaps encroached on the lot in back. He appreciated the commitment the Board members have in bringing a resolution to the problem. The Destremps and the Campbells bought their properties in the same year. They suddenly realized something wasn't quite right.

Mr. Countway had a question on the point that a new lot is being created with a 20 ft setback requirement. He believed one of the variances for his garage was because it would be within a 10 ft setback on the new property line. He was wondering if there was any clarification needed on that.

Mr. Armstrong stated, in this case, Mr. Campbell's deck met the conformity for setbacks at the time the lot was built. But as it stands right now, the Zoning Ordinance has changed requiring a 20 ft setback. When you do a lot line adjustment it is technically the creation of a new lot. That's why he had to go for that in this case. As far as Mr. Destremps' garage, they've had conversations with Will McDuff of Norway Plains, had conversation with Mr. Destremps. That would be a separate case that would have to come in at a later date if he does get within those 10 or 20 ft setbacks that the Board would look at at that time. Going off the information that Mr. Destremps and Mr. Campbell provided to him he did not see any setback issues with that in the future. It all depends on where he situates that garage and it may be something before the Board in the future. As of right now, it is not necessary.

Mr. Countway stated it is not being resolved at this time as far as setting what that setback would be. Mr. Armstrong stated that the setback would be 20 ft for the Zoning Ordinance, but without Mr. Destremps providing any information of where he situates that garage the Board can't make a determination on that.

Mr. Countway stated he appreciated all the efforts that have been made to bring justice.

Chair Mankus if there were any further comments from the public. There were no further comments.

Chair Mankus began working on the worksheet.

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

Chair Mankus stated that the Variance **will not** be contrary to the public interest. Any time the Board corrects a non-conformity it is not contrary to public interest. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated by granting the Variance substantial justice **will** be done. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated that the request **will not** diminish the value of surrounding properties as was detailed numerous times. He stated that this will get everybody to be in conformity. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus 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 to the property. He agreed. And the proposed use **is** a reasonable one. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

MOTION: To GRANT Variance for Case #Z26-15 in regards to Article 300 Section 327.A-4. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

2. **NEW APPLICATIONS**

Case #Z26-19 Varney Engineering, Tom Varney, Agent for Schmitt Family Trust, David & Erica Schmitt Trustees	**Map 63 Lot 16** **20 Railroad Ave**	**Variances** **Special Exceptions** **Lakeshore Residential (LR) Zone**

1. **A Variance** is requested from **Article 300 Section 327.A.1 & 3** of the Zoning Ordinance for the replacement of a cottage to be rebuilt within the 30 ft setback of the lake and a

3x8 section will be within 10 ft of the property line.

MOTION: To ACCEPT application #Z26-19. Motion by Mr. Lee. Mr. Rich SECONDs. Board votes unanimously.

Chair Mankus asked the parties to introduce themselves.

Tom Varney, Varney Engineering. He stated Dave Schmitt was with him. Josh Thibeault, Civil Engineer of Varney Engineering.

Chair Mankus stated they were requesting a Variance from Article 300 Section 327.A.1 &3 of the Zoning Ordinance for the replacement of the cottage to be rebuilt within the 30 ft setback of the lake and a 3x8 section will be within 10 ft of the property line.

Mr. Rich invited Mr. Varney to speak. Mr. Varney stated that David and Erica Schmitt would like to demolish the cottage and the bunkhouse on Railroad Ave in West Alton. They would like to replace the existing cottage and the bunkhouse they have with a garage, an accessory dwelling and a new cottage. The cottage is to remain the same footprint with a new foundation and a larger second floor. The building is moved back from the lake. The bunkhouse is to be replaced with a garage and an ADU to the basement. Parking is provided with the construction of the garage. The State approved septic system and storm water measurement measures are to be installed. The New Hampshire DS septic system design and Shoreland Permit have been obtained.

In the packet he has tax map sketch that shows the property and pictures of the property as it is. There are new architectural drawings of the proposed two buildings. There is a sketch that was done by Norway Plains that shows the location of the buildings with the setbacks, all determined by them. The shoreland and septic designs were done by Alan Fulsome in Wolfeboro. The lot is difficult. It is 40 ft wide, 6,000 sq ft. It is a tiny lot. There's no parking up on road. The walkway down to the buildings is a little precarious. It is outdated. The building has lived a nice life, but it is starting to show its age. There is not much of a foundation. It is old school, smaller sized. The land has a slope and boulders to it. There are some trees left, and water is drawn from the lake.

The proposal is to keep the same size cottage but moving back from the lake 10 ft or so with the deck that is on it. The second floor gets squared off with a full second floor and modern architecture. That is demonstrated in the pictures. The bunkhouse in the back is to be replaced with a garage. That is the difference. The garage is going to increase in size, and it provides parking next to it by re-grading the land and having a full foundation that allows parking which is needed. It has a new septic system proposed to replace the old one.

A well is proposed across the road. He stated the road is a right-of-way. They own land across the road, but it doesn't allow parking. It is a steep banking. A well can be put there. He explained that on Sheet Two there are diagrams of what it looks like now and what it will look like after it is built.

Island Services out of Gilford is the Contractor. They made the plans. He stated it is still in keeping with the land. The building is an improvement. The garage ADU is the difference really. It will be seen a little bit more on the road. The stormwater measures were designed by Fulsome. They are asking for Variances because they are too close to the sideline, too close to the lake with the deck. The building is non-conforming. They're asking mainly for the garage and the cottage.

Mr. Lee stated that on the new proposal he saw a continuous walkway to the ADU. He asked if he understood that correctly. Mr. Varney stated that was correct. Mr. Lee stated he had one more question, which was who the property behind was owned by. Mr. Schmitt stated another neighbor owns property behind it, but it is ledge, steep and there's no building there. Mr. Lee understood.

Mr. LaRochelle stated that it looked like because of the slope of the lot being so steep on the lakefront side of the property the building will be over 35 ft. It looks like 35ft 7 (inches). He stated that is because of the slope of the lot, the front being only about 18 ft on the roadside, but the lake side would be downslope. So there will be a walk out basement, first floor and then the second floor. And that would create it to be over 35 ft. Mr. Varney stated the average was 26 ft. Mr. LaRochelle stated that was what he was going to ask, what the average was. Mr. Varney stated 26.9 (ft). Mr. LaRochelle stated he just wanted to clarify that for the record.

Mr. Rich stated the average is 26 ft. Mr. Varney stated 26.9 ft. Mr. Schmitt stated it has been a great spot but it's not functional. He has three kids and a wife and two dogs. They have made the best of it. The big things are septic challenges. This is a much bigger system. They don't run on well; they run on lake water. They have parking issues. He stated it is a touchy spot.

Mr. Rich offered either Mr. Schmitt or Mr. Varney to respond to his questions. He understood they had two permits from DES, one for septic and one for the retaining wall. Mr. Varney stated they had a Shoreland Permit. Mr. Rich stated that is what he meant. He stated that both of those had been approved by the State. Mr. Schmitt stated that the challenge there is the rock wall is falling into the lake, and they have sinkholes. Mr. Rich stated that is a huge improvement for the Shoreline Protection Act. Mr. Rich stated that Mr. Varney was very good at making sure that the shoreline is protected. He asked what the drainage will look like in terms of impervious areas.

Mr. Varney stated everything runs downhill to the lake and on the front there's a patio and that's porous. Water gets in there and infiltrates into underground soil. The dirty water not getting to the lake. But when it rains the water goes off the roof, that's dirty water that has phosphorous on it, what's on the road, what's on the vegetation, decaying land and all of that that contributes phosphorous to the lake. That's why there's cyanobacteria. These plans have been done in the last 18 years since they came up with the Shoreland Permit they have stormwater measures. A lot of them are not installed. People (contractors and homeowners) don't understand that it infiltrates in the ground. They do this plan, and they connect pipes to the lake. That's the reality of this. It needs to be enforced by the Building Inspector that all these things are installed. The infiltration is what works. He stated the septic system is infiltration in the ground. People don't have any difficulty with that. But if you take rain off the roof and drip edge, they have difficulty

with that. They will connect pipes from that when it really is designed for rainwater to go into crushed stone, that's the drip edge, and then into the soil. And it works. It has worked for hundreds of years. People don't understand that. Mr. Rich stated it is a difficult concept for just the average resident to try to figure it out. He stated the whole patio is going to be pervious. Mr. Varney stated that was designed by Alan Fulsome. It's not just Tom Varney; it's all the other designers all over the state.

Mr. Rich commended Mr. Schmitt because this is a huge upgrade. Taking the old cottage and old facilities and renewing them at the shoreline, which only benefits all of the participants of the lake. Mr. Schmitt stated they were trying to do it the right way.

Mr. Lee stated that Mr. Varney and Mr. Thibeault have been before the Board before many times and this is cognizant of the plans you always bring. He stated if you just looked at this plan, someone with less experience would think you're looking at a new proposal for the Boston Garden. It's so intense. It is such a small lot. But to Mr. Rich's point, this is the attention that needs to happen when you get close to lake like this, to keep the lake in the condition that it should be for neighbors and everybody else.

Mr. LaRochelle agreed, having the porous driveway, pavers and having that as conforming as possible, and pulling the garage ADU unit away from the property line, retaining walls, really paying attention to detail of saving the lake. This is a good plan.

Chair Mankus asked if the Board had any other questions or concerns. There were none.

Chair Mankus asked if there was any public input. There were no comments.

Chair Mankus moved to work the worksheet.

Mr. Rich asked which variance they were doing. Mr. Armstrong stated 327.A.1&3.

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

Mr. Rich stated that the Variance **will not** be contrary to the public interest. He stated that the applicant, Mr. Schmitt and his representatives have given a detailed report, and this serves as a testimonial of the applicant doing the right things on the shoreline to accommodate himself and his family He is also accommodating neighbors next door and accommodating the fact that less pollutants will be going into the lake. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. The buildings are older non-conforming buildings, and the applicant is trying to make this less non-conforming, bringing it up to code. These are all the things the Board looks for in the Master Plan and in every one of their ordinances. It is definitely in harmony. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated by granting the Variance substantial justice **will** be done. This property has been managed and maintained as best as could be done as the applicant has noted. He referred to Mr. LaRochelle's comments that this is why the Board is doing Variances and Special Exceptions. Otherwise, there would be a decrepit-looking slew of properties around the lake because they're non-conforming. He stated certainly substantial justice will be done. Chair Mankus agreed. Mr. Rich agreed for the same reasons. Mr. LaRochelle agreed.

Chair Mankus stated that the request **will not** diminish the value of surrounding properties. If anything, it would improve the values. Mr. Rich agreed that it would substantially improve the values of the properties in the area. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. 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 agreed. And the proposed use is a reasonable one. His reasoning behind this is, first and foremost, this is only a 6,000 sq ft property with not a lot of room. He stated there are a lot of homes that are 6,000 ft on the lake. This is a property that, like Mr. Lee has stated, is undersized. People need to come in so we can help them gain accommodations. It is absolutely a reasonable request. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

MOTION: To ACCEPT the Variance for Case #Z26-19 Article 300 Section 327.A.1 and 3. Motion by Mr. Lee. Mr. LaRochelle SECONDs and agrees with approving. Board votes unanimously.

Chair Mankus moved to the Special Exception Case #Z26-19 (Same case).

2. A **Special Exception** is requested from **Article 300 Section 320.E.2** of Zoning Ordinance to allow replacement of an existing structure that is not increased in size or non-conforming aspect does not change.

MOTION: To ACCEPT the application as COMPLETE for the Special Exception #Z26-19 Article 300 Section 320.E.2. Motion by Mr. Lee. Mr. Rich SECONDs. Board votes unanimously.

Mr. Varney stated the building is the house that the Board was looking at, the same size but slightly bigger because the eaves go around four sides and stick out one foot.

Chair Mankus asked if there were any questions from the Board. There were none.

He opened to public input for this application. There were no comments. He closed to public input.

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

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

Mr. Lee stated the specific site **is** an appropriate location for the use. The use has not changed and it is really an overdue upgrade. The specific site is an appropriate location. The Board agreed.

Chair Mankus stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated the property values in the district will certainly go up after this structure is built. The Board agreed. (Mr. Rich mistakenly commented further on this after already giving his vote.)

(NOTE: I believe this part of the worksheet was missed in the confusion: *there **is no** valid objection from abutters based on demonstrable fact.*

Mr. LaRochelle stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access-ways and on/off-street parking. Nothing is changing as far as the driving or parking. This is residential property. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated adequate and appropriate facilities and utilities **will** be provided to ensure the proper operation of the proposed use of the structure. Mr. Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus stated there **is** adequate area for safe and sanitary sewage disposal and water supply. Mr. Rich agreed. There is a new septic design that will be implemented. There is safe and sanitary sewer disposal and water supply on the property. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this Ordinance and the intent of the Master Plan. With these small lots of 6,000 sq ft and new owners coming in trying to improve them this is exactly what the intent of the Master Plan was for this ordinance, it is to try to help the applicants and the new owners to upgrade their properties and do the appropriate thing which this applicant has done. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed. He stated the applicant has created environmental improvements and aesthetic improvements to the area. It is the intent of the Master Plan.

MOTION: To APPROVE for a Special Exception request from Article 300 Section 320.E.2 of the Zoning Ordinance for Case #Z26-19. Motion by Mr. LaRochelle Mr. Lee SECONDS. Board votes unanimously.

Chair Mankus moved to #3 on Case #Z26-19.

3. A **Variance** is requested from **Article 300 Section 327.A.2 and 3** of the Zoning Ordinance for the replacement of a bunkhouse with a garage/ADU that would be approximately 7 ft from the right of way and within 6 ft of the boundary line.

MOTION: To ACCEPT the application for a Variance from Article 300 Section 327.A.2 and 3 for Case #Z26-19. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

Chair Mankus asked if Mr. Varney had any comments. Mr. Varney stated it is for the setbacks as stated. They are too close to the side and too close to the roadway. It is already in those setbacks anyways.

Chair Mankus asked if the Board had any questions. There were no comments. He opened to public input. There were no comments. He began working on the worksheet.

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

Mr. LaRochelle stated that the Variance **will not** be contrary to the public interest. He stated the garage ADU is moved away from the sidelines as much as possible. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. It was much like was spoken of in the first variance. This is certainly under the intent of the Master Plan. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus stated by granting the Variance substantial justice **will** be done. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated that the request **will not** diminish the value of surrounding properties. If anything, it increases the value of the surrounding properties. Everything is being upgraded to new codes, new septic system, and new retaining walls. It is increasing the value of the surrounding properties substantially. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle 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 agreed. This is a very, very difficult lot, lot size and in order to put the new more conforming properties in this is a very challenging property. He stated this is a hardship that exists, and the proposed use is a reasonable one. Mr. Lee agreed. Chair Mankus agreed. He stated that challenging is an understatement. Mr. Rich agreed.

MOTION: To GRANT the variance for Article 300 Section 327.A.2 and 3 for Vase #Z26-19. Motion by Mr. Lee. Mr. Rich SECONDs. Board votes unanimously.

Chair Mankus moved on to the same Case #Z26-19.

4. A **Variance** from **Article 300 Section 320.E.1** from the Zoning Ordinance to allow a garage ADU that will be larger than the existing structure. The structure will be considered an increase in non-conformity.

Mr. Varney stated the non-conforming structure was non-conforming as is and it is still non-conforming because of the setbacks. He stated they were asking for Article 320.E which defines that. Mr. Rich asked how much the footprint would be increasing by. Mr. Varney stated he was unsure. Mr. Lee stated it looked substantial. Mr. Varney agreed it is a big increase. He stated it is still a small building. Mr. Schmitt stated he believed it was to accommodate two cars otherwise you couldn't do it. He stated getting those cars off the road is important. Mr. Rich stated it is a good-sized increase, but it is to try to accommodate the two cars. Mr. Schmitt stated that is as small as it can be to accommodate two SUV-sized vehicles. Chair Mankus stated it is just a bunkhouse with no plumbing. He asked if there was any plumbing. Mr. Schmitt stated right now there is not. Chair Mankus asked if there would be plumbing in the ADU. Mr. Varney stated there would be.

Mr. Armstrong stated that the plans indicated about 190 sq ft increase on the garage ADU. Mr. Rich understood. He wanted it on the record. Mr. Armstrong stated for clarification, the ADU is going on the bottom floor of that garage. That is where the plumbing is going to be located. Mr. Schmitt stated that was correct. Mr. LaRochelle stated the ADU is below because of the grade. Mr. Schmitt stated that they were trying to make it so the cars can come in straight off the road. Mr. Rich stated the ADU is down below. Mr. Schmitt stated it is beneath that. Otherwise going in would be at a pitch. Mr. LaRochelle stated that they would be using 2 x 4s put on center for the cars above the ADU. Mr. Schmitt stated he can't wait to see how the builders will do it.

Chair Mankus asked if the Board had any more questions. There were none. Chair Mankus opened to public input. There were no comments.

He began working on the worksheet.

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

Mr. Lee stated that the Variance **will not** be contrary to the public interest. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus stated that the request **is** in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan and with the convenience, health and safety and character of the district within which it is proposed. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated by granting the Variance substantial justice **will** be done. Mr. LaRochelle agreed. Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated that the request **will not** diminish the value of surrounding properties. It will enhance. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee 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 stated this is certainly a special condition and certainly a hardship. He agreed. The proposed use is a reasonable one. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

MOTION: To APPROVE application #Z26-19 for a Variance from Article 300 Section 320.E.1. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

Chair Mankus moved to #5 for Case #Z26-19.

5. A **Variance** from **Article 300 Section 320.E.2** of the Zoning Ordinance to allow the relocation of the garage ADU to be more conforming.

Mr. Varney stated there was a little bit of confusion on the Zoning Ordinance. If Paul Monzione were present, he could talk about either one. One is alteration which was just approved and this one is replacement. He stated he asked for a variance for each one, so it is repetitive. He stated it is the same thing.

Mr. Rich asked how much of an increase. Mr. Varney stated it was the same as the last one. Mr. LaRochelle stated 190 sq ft. Mr. Rich stated he just wanted it on the record that it is 190 sq ft. Mr. Varney stated the Zoning Ordinance is not clear completely. He stated you could call this an alteration of a building or you can call it replacement of a building. Someone could say you need to do one, and somebody could say you need to do the other. He stated he asked for both. A non-conforming building that has to be replaced or altered. Both things are happening. He stated to make it 100% clear with everybody on the Zoning Board he asked for both. He stated it is a zoning technicality for somebody who reads the Zoning Ordinance law. Mr. LaRochelle stated it was something for the zoning amendment committee to look at in the future. Mr. Rich stated he happens to be on that committee and he would be sure to bring that up. Mr. Armstrong stated he would bring it up at the next meeting. Mr. Rich stated there are always things that are arbitrary. They continue to try to refine the ordinances so they can fit in the appropriate places, but sometimes it doesn't work. He thanked Mr. Varney for doing due diligence.

Chair Mankus asked if the Board had any further questions. There were none.

Chair Mankus asked if there was any public input either for or against this application. There were no comments. The Board began working on the worksheet.

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

Chair Mankus stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 500, Section 520.B. The Board agreed.

Mr. Rich stated the specific site **is** an appropriate location for the use. Mr. LaRochelle agreed.

Mr. Lee agreed. Chair Mankus agreed.

Mr. LaRochelle stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land use. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated there **is no** valid objection from abutters based on demonstrable fact. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed.

Chair Mankus stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access-ways and off-street parking. Mr. Rich agreed. Mr. LaRochelle agreed. Mr. Lee agreed.

Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to ensure the proper operation of the proposed use of the structure. Mr. LaRochelle agreed. Mr. LaRochelle agreed. Mr. Lee. Chair Mankus agreed.

Mr. LaRochelle stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated a new design has been submitted and approved. Mr. Lee agreed. Chair Mankus agreed. Mr. Rich agreed.

Mr. Lee stated the proposed use or structure **is** consistent with the spirit of this Ordinance and the intent of the Master Plan. He stated this was not an easy project. There are multiple firms all working towards the same goal. It is a credit that this is certainly consistent with the spirit of the ordinance and the intent of the Master Plan. Chair Mankus agreed. Mr. Rich agreed. Mr. LaRochelle agreed for the same reasons.

MOTION: To APPROVE a Special Exception request from Article 300 Section 320.E.2 of the Zoning Ordinance for Case #Z26-19. Motion by Mr. LaRochelle. Mr. Lee SECONDs. Board votes unanimously.

1. **Previous Business**: The Board signed a letter to Mr. Morgan.
2. **New Business**: Address the application for a second extension of decision dated 10/2/25 to amend approval for case #Z23-18 Gary Nadeau, NH, Route 11.

Mr. Rich stated this is the second extension.

Gary Nadeau, 69 North Shore Rd New Durham, NH. He stated Anthony Jones came in last year and asked for a two year and Paul said they would give two years but if you need an automatic one year then come back and it would be extended another year. He stated he needed another year. Mr. Rich stated Mr. Nadeau needed another year. Mr. Nadeau stated they were coming up with different plans. Mr. Rich asked when Mr. Nadeau thought he would be done. Mr. Nadeau stated he would have an answer within the next three months. Mr. LaRochelle asked if they would have a new set of plans. Mr. Nadeau stated they would still use the same footprint as Jones Beach did, but it would be different, not like a store, not like a CVS. He stated he needed

to put an expressway on the highway if he wanted to do a liquor store. He stated he was downgrading everything for lower volume. Mr. Rich asked if Mr. Nadeau thought he would need another extension. Mr. Nadeau hoped not. He believed he would be all set.

MOTION: To APPROVE a one-year extension for Special Exception that was granted for Article 400 Section 401.D.42 and Article 600 Section 602.C.3. Motion by Mr. Lee. Mr. LaRochelle SECONDs. Board votes unanimously.

Mr. Armstrong stated that the agenda was amended to consider the bylaws and appointing alternates. Two members have brought in alternates recently and the Board is down on alternates; he wanted to bring forth the bylaws to remind the Board of the procedure. He stated it is different than the Planning Board's procedure. It reads: *"An elected ZBA may appoint five alternate members for a term of three years each which shall be staggered in the same manner as elected members pursuant to RSA 67352 as amended."* He stated there's no requirement for meeting attendance for preapplication to the Board. He stated for the Board's benefit, a letter of interest submitted to the Board to be named as an alternate and then at the subsequent meeting to receiving the letter that says somebody is interested in being an alternate, the Board will vote to appoint someone would be all that is required.

Mr. Rich stated it would be a letter from the applicant suggesting that they would like to be an alternate. Mr. LaRochelle asked how that affected the absence of a current Board member that has resigned. He asked if there was anything in the ordinance or in the article that states what to do. He asked if they just bring in the applicant to fill that position for a while until it is time for someone to run for that position.

Mr. Armstrong stated from his understanding the way it works, you have your pool of alternates and then an alternate can be nominated from that pool and voted on by the Board to take the seat of someone who has stepped down. As far as the alternates go, you have a pool of alternates. You can have up to five alternates for the Board. If there is a vacancy for an alternate you can add one to that.

Mr. LaRochelle stated they have a vacancy for a member. He stated they have five members. They currently have four. Someone has to be on the ballot in March to fill that position. Mr. Armstrong agreed. Mr. LaRochelle asked if they can take any one of their alternates to finish filling that position for Mr. Morgan for the rest of this year. If that person who is the alternate decides he wants to run, he has to run for his own three-year term. Mr. Armstrong agreed.

Chair Mankus stated his understanding of what was being said was they could take them directly from being an applicant for an alternate right to a member for the duration of the term. Mr. LaRochelle stated that was correct. He stated that was why he was asking. He asked if they have to say at every meeting that they appoint him or could it be done once and that person fills that position for the rest of the year. Mr. Armstrong stated he believed it was the latter. He would provide an answer at the next meeting. He recommended the Board, if that was the case, still put the person in the pool of alternates first and then nominate them. He stated he would not take an applicant straight into the seat to fill someone. They should be put in the pool first and

then nominate them to fill out the remainder of that term.

Chair Mankus asked if Mr. Monzione was the only alternate. Mr. LaRochelle stated that was correct. Mr. Rich stated Mr. Monzione was going to consider it but he wasn't sure at the last meeting. Mr. Armstrong stated he was reading the RSAs earlier that day. He assumed they don't anticipate it happening frequently which makes no sense to him because it happens frequently. He stated it was very vague in the language of how that transition actually happens. He stated he would come back with answers for the Board.

3. **Approval of Minutes**: ZBA meeting minutes of August 6, 2026.

Mr. LaRochelle commented on page 14, line 41-44 it was noted that not all Board members voted on this variance. He asked if it was a matter of the minute taker not hearing the vote. Mr. Armstrong stated that the audio did not pick up who voted where. He stated it would be beneficial for the Board to reopen it. He believed it was unanimous by the Board, but it was not picked up on the audio. Mr. LaRochelle asked if Mr. Armstrong wanted the Board to revote on that to make it clear for the record. Mr. Armstrong stated that because Mr. Monzione was not present at this meeting, perhaps they should continue this until the next Board meeting. Mr. LaRochelle agreed. Mr. Rich stated they were not going to approve the minutes until they have Mr. Monzione present.

MOTION: To NOT APPROVE ZBA Meeting Minutes for August 6, 2026 because Mr. Monzione is not present to clarify what Mr. LaRochelle has indicated as being an issue, which was the vote on the variance was inaudible. Motion by Mr. Rich. Mr. Lee SECONDS. Board votes unanimously.

4. **Correspondence**: NONE

MOTION: To ADJOURN. Motion by Mr. Rich. Mr. Lee SECONDs. Board votes unanimously.

ADJOURNMENT
Chairman Joseph Mankus

Respectfully Submitted,

Sandra Monaco, Recording Secretary

*If there is foul weather or lack of a quorum, the public hearing will be continued to Thursday, October 1, 2026, starting at 6:00 P.M. at the Alton Town Hall, and a notice shall be posted stating same.