

**ALSTEAD ZONING BOARD OF ADJUSTMENT**  
**POB 60, Alstead, New Hampshire 03602**  
**Phone/Fax 603-835-2986**  
**Fax 835-2178**  
**www.alsteadnh.org**

**MEETING MINUTES**  
**March 5, 2018**

Note: These minutes are furnished for public inspection in accordance with RSA 91-A:2 and are unapproved until offered for disposition by the Board at a regular meeting. **ACCEPTED AS CORRECTED 4/2/18.**

ZBA Members present: Joe Cartwright/Acting Chairman, Kevin Clark, Sam Sutcliffe, and David Konesko /Alternate&PB Member

Cartwright/Acting Chairman opened the Meeting at 7:39PM. Emma VanAlstyne was present. VanAlstyne had brought in some pictures of the DeLotto garage (regarding the #4/2015 Variance Application that was approved). She and her husband had concerns that there was water and septic piping in the garage, which was contrary to what Mr. DeLotto had said he was doing with the space. They also had concern that the building was larger than it should be, and built on their property. VanAlstyne also explained that her husband had spoken to Alan Dustin/Zoning Officer, after the ZBA 12/4/17 meeting, regarding going back up to take some measurements of the DeLotto garage – Dustin stated he would, once he obtained permission from DeLotto to do so. VanAlstyne stated it had been three months since that was said, and they have not heard anything.

She also explained that her husband went before the Select Board on this matter, and did not feel like he got anywhere. VanAlstyne stated that they have the feeling they are 'being swept under the rug' and that 'they are not going away' until they get some closure/clarification on their concerns.

Cartwright stated that the ZBA has no enforcement authority (that the ZBA only hears and approves/denies Variances/Special Exceptions, etc), and stated she would need to go to the Zoning Officer to have him do measurements, and the Select Board if it is discovered that DeLotto built the wrong dimensions or in the wrong place. VanAlstyne asked if it was a conflict of interest for the Zoning Officer to be a Selectman – as that seemed they had to go to the same person in two different roles. Marsden stated that RSA's had been looked in to before Dustin took the role, and it is not a conflict for him to have both roles in town.

VanAlstyne stated her husband had spoken to a contractor that offered the opinion the garage was larger than 20' square. Konesko asked how the Vanalstyne's had come to get the pictures they had – she said they were taken from their own property. VanAlstyne also addressed the fact that anyone aggrieved had 30 days to appeal a decision – stating that she and her husband were not aware of the fact that the garage was being built on their property until the construction was complete, and the landscaping was cleaned up.

The ZBA stated that they would \*put in a formal request for the Zoning Officer to go out to re-measure the garage structure, and to note where it was placed on the DeLotto lot (\*Marsden to let Kelly Wright/Admin. Assistant to the Select Board know). Cartwright pointed out that if there was a signed Building Permit, then DeLotto had given permission for the Zoning Officer to go on his land. \*Marsden to also ask Wright to have the complete Building Permit #827 available to review at the Select Board meeting the following evening, as VanAlstyne planned to go to that meeting. The ZBA reviewed the Building Permit (1<sup>st</sup> page) that was issued after the Variance was granted – and noted all dimensions did not seem to be filled out.

VanAlstyne asked for a written letter in response to the letter her husband had written. The ZBA stated they would give them one, but wanted to wait until next month's 4/2/18 meeting, when the Chairman, Dennis

Molesky, would be back. VanAlstyne was fine with that. Sutcliffe and Cartwright told VanAlstyne that she could look at RSA's 677:2 – 677:6 regarding the rights of appealing a decision. VanAlstyne stated that Member Molesky had stated that he felt an error had been made.

Sutcliffe suggested VanAlstyne really think about a reasonable solution that she and her husband would like to see come out of this problem. Several different scenarios were discussed - Konesko suggested looking into an easement with the current conditions, that does not allow for any alterations; discussion regarding the Right-of-Way being moved a little, at DeLotto's expense; that a small piece of land be sold to DeLotto – were a few discussed. VanAlstyne stated she planned to go to the Select Board meeting to see what they will do about enforcement if the Zoning Officer does indeed see an infraction with the size or placement of the structure.

Before VanAlstyne left, she also mentioned the fact that there has been a green tarp covered structure for a few years in DeLotto's front yard. She asked if that was considered a structure – the ZBA stated it would be considered a structure. She asked if there was a Variance or Building Permit for that particular structure – she was told there was not. The ZBA stated that any structure – permanent or temporary – is required to meet all zoning requirements to include setbacks, and the need for a Building Permit if required by the Town's Ordinance. VanAlstyne stated she planned to bring that up at the Select Board's meeting as well.

The 2/5/18 Minutes were reviewed. A Motion (Clark/Sutcliffe) was made to accept them as corrected. Motion passed. \*VanAlstyne asked for a copy of those minutes, as well as Building Permit #827, and the letter from Abutter Rita Pecora from the #4/2015 Variance Application. She was given all those items.

Discussion regarding the Board learning from this took place – Zoning Officer Dustin to be invited to the next meeting in April to discuss the need of confirmed building placement, or having the Applicant mark the area with stakes, etc. \*Marsden to make the site sketch available on the back of the Application Checklist being given out for all future Applications. Konesko stated that the Board should re-look at and discuss the Ordinance that allows for a 50% increase in size if a structure is already encroaching in a setback – so everyone understands that situation. Sutcliffe stated he recently learned it was the Town's responsibility to know where Town road Rights-of-Way are – not the Applicant's.

The 8/7/17 Minutes were reviewed. A Motion (Clark/Sutcliffe) was made to accept them as corrected. Motion passed. The 8/21/17 Minutes were reviewed. A Motion (Clark/Sutcliffe) was made to accept them as corrected. Motion passed.

At 9:45PM a Motion (Clark/Sutcliffe) was made to adjourn the Meeting. Motion passed.

Respectfully submitted,

Melanie Marsden/Administrative Assistant

**The next regular meeting is on Monday, 4/2/18 at 7:30PM at the Alstead Municipal Offices.**