

**TOWN OF ALSTEAD
MEETING OF THE ZONING BOARD OF ADJUSTMENT
OCTOBER 2, 2023 at 7:30 PM
ALSTEAD TOWN OFFICE**

Zoning Board Present: Dennis Molesky, Chair; Kevin Clark; Joe Levesque, Max Zurmuhlen

Staff Present: Ahmad Esfahani

Others Present: Allan Wilson, Barbara Vith, Jean Dignus-Fantine, Peter Rhoades

CALL TO ORDER: Molesky opened the meeting at 7:32 p.m.

MEETING MINUTES:

Molesky reviewed the minutes of August 7, 2023. Molesky read the minutes and made revisions. Clark motioned to approve the minutes as corrected. Zurmuhlen seconded the motion. With all in favor, the motion was approved.

Molesky advised Esfahani to follow-up on a matter involving Library Avenue and notify the Selectboard of a violation at the home where the old VFW used to be.

HEARING:

Molesky opened the Wilson hearing at 7:45 p.m. The ZBA members introduced themselves. Wilson spoke to his question over the number of abutters, and mentioned a letter sent to his address advising him that he needed to include more abutters. Molesky brought out the map with the parcel under discussion and explained that a point, corner to corner, contact counts as an abutter. Wilson stated that he built his previous farm before zoning was adopted in Alstead. Molesky explained the changes in zoning ordinance, and how the residents voted to approve the change regarding setback requirements in this ordinance and the residents voted to from 50 feet to 75 feet setback from right of way. Wilson stated that his proposed building is 61 feet from the center of the road, and this is stated on his application. The zoning ordinance has a minimum of 75 feet from the center of the road. Wilson stated that the town took a lot of his land when they widened Comstock Road. Molesky stated to Wilson that he could apply for a variance to be even closer to the road. Wilson stated that Matt Saxton explained to him the direction he needed to go in. He stated that he applied in August.

Wilson commented that he was given an application with the old fee structure, but that he is prepared to pay the difference. The balance remaining was \$65.75.

Molesky reviewed the application with the ZBA. He stated that the setback Mr. Wilson is requesting is 61 feet from the center of the road. Wilson initialed the changed in language on his application. Wilson stated he is asking for an exception of the setback rule on the travel on the highway that would allow him to build closer than 75 feet.

Molesky opened the deliberations. There was no comment.

Molesky called for a roll call vote on the five criteria with Zurmuhlen, Clark, and Levesque as voting members:

1. Yes (all in favor)
2. Yes (all in favor)
3. Yes (all in favor)
4. Yes (all in favor)
5. Yes (all in favor)

Molesky commented that Wilson's application had been approved. Wilson asked if he had a specific length of time to complete the building permit. Molesky and Levesque commented that the permit would last 2 years. Molesky closed the hearing at 8:15 p.m.

HEARING:

Molesky opened the Fantine hearing at 8:15 p.m. Fantine was applying for a variance for a side setback for her driveway. He reviewed the variance application for completeness. Molesky commented on the attached drawing and application materials including letters sent to abutters. Molesky spoke to the list of abutters. Molesky explained the necessity for 3 votes of approval for the variance to be granted.

Molesky reviewed Fantine's application for those in attendance. Dignus-Fantine reviewed the steps she has taken to develop her residence. She stated that she would be driving up to the barn and not the house. Molesky stated that the driveway she previously put in was installed with a permit from the town.

Rhoades stated that he would be willing to offer public comment. Rhoades stated that the road agent was not aware of the setback requirement when he granted the original driveway permit. Rhoades stated that she has used personal resources developing a site plan. Rhoades, the abutter, affected by the lack of a setback, stated that he has no problem with the existing encroachment. Rhoades stated the frontage on his property is not usable frontage, and there's no chance he or anyone would be placing a driveway in that location. Rhoades stated that at the edge of the right of way the driveway is 8-9 feet from the boundary wall. Molesky stated that the telephone pole that is near the existing driveway is a hardship in his opinion.

Molesky opened the deliberations. There was no further comment from ZBA members, so he then closed the deliberations.

Molesky did a roll call vote on the five criteria with Zurmuhlen, Clark, and Levesque as voting ZBA members:

1. Yes (all in favor)
2. Yes (all in favor)
3. Yes (all in favor)
4. Yes (all in favor)
5. Yes (all in favor)

Molesky declared the application approved and presented Dignus-Fantine with a notice of approval.

ADJOURNMENT:

Clark motioned to adjourn at 8:42 p.m. Zurmuhlen seconded the motion. With Molesky, Zurmuhlen, Levesque, and Clark in agreement, the motion passed.

Respectfully submitted,
Ahmad Esfahani

Approved by the Alstead Zoning Board of Adjustment on 11.6.2023.