

**ALSTEAD ZONING BOARD OF ADJUSTMENT**  
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**MEETING MINUTES**

**June 6, 2022**

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 6/20/22.**

ZBA Members present: Dennis Molesky/Chairman, Mike Rau, Joe Levesque, David Konesko/Alternate Member and Allan Kauders/Zoning Officer.

At 7:33pm Molesky/Chairman opened the Meeting. The 5/16/22 Minutes were reviewed. A Motion (Rau/Levesque) was made to accept them as corrected. Motion passed. Three new emails were reviewed pertaining to a dug well (Fantine), adding a porch (Stocki) and an addition project (Curtis). Marsden had also received an email requesting zoning information from an intern working on a NH Zoning Atlas Project. Brief discussion regarding the property on 500 Walpole Valley Road as being sold, and the new owner is aware of the driveway requirements. Building Permits #14-17 were reviewed.

At 7:45PM, the second continuation of the Public Hearing for Application #1/2022 for a Special Exception for Bonnie N. and Laurence E. Howard of 3 Warwick Terrace, Marblehead, MA, for property located on Tax Map 11, Lot 99, on 5 Prospect Street in Alstead, NH, was opened. The Hearing was concerning Article VII Section G a iii for Conversion of Existing Building to Two-Family Use - to allow for an Accessory Dwelling Unit.

Member Konesko was appointed a Full Member for the purposes of this Hearing. Abutters and interested persons in attendance: Benji VanAlstyne, Matt Saxton/Alstead Select Board Member and Griffin Dussault/Griffin Construction owner.

Dussault spoke on the matter that his company had Travis Royce, a licensed septic designer, from Charlestown, NH, set up to inspect the tank. Griffin explained that L. Howard canceled the appointment as Royce was on his way over, and said she did not want him on her property.

Saxton spoke next, stating he was here for the sake of the Town. He stated he knew Howard was aggrieved, and feels that we need to "put this behind us" and to "have this resolved in an unsatisfactory way". Saxton stated there is ambiguity on a bedroom definition, and the Town does not have an Occupancy Permit. Member Levesque stated he agreed with Saxton, that he did not want to be in a position to ask her to tear it down. Member Rau asked why the ZBA existed. Kauders/Zoning Officer asked why she refused to have her tank inspected. Saxton stated she is feeling harassed. Dussault stated he was willing to pay for the inspection (\$150) just to put this matter behind him – he is concerned that it makes his company look bad. Dussault stated he was personally willing to try to talk to her one more time to resolve this.

Molesky stated he was not inclined to grant the Special Exception without the information requested - adding that if they had the septic information he would; the other Members in attendance were in agreement with him.

Abutter/VanAlstyne stated a concern that he had two potential rental properties abutting his property. Member Konesko added that if this proposal was accepted without the requested information, then the ZBA was

potentially “pushing it down the road” and it could become a NH DES problem. Saxton asked about the possibility if the tank was too small – Molesky stated then it would definitely need to be denied, as the State sets the guidelines for the size of the septic tank required based on the number of bedrooms.

Konesko asked if an attempt to contact NH DES was made; Dussault stated he was not sure. VanAlstyne added that he believed Porter and Sons Construction put in a new tank in, or around, 2006. Marsden asked if the Town kept the new septic approval forms sent by the State. Konesko stated he thought when Randy Rhoades was the Health Officer that he did. It was noted that Mike Jasmin is the current Health Officer.

Kauders stated that it is a failing of the Select Board if they choose not to enforce the Zoning Ordinance. Molesky suggested a third continuation to 6/20/22 at 7:15pm. A Motion to accept this was made (Rau/Levesque) and accepted. The Hearing was continued.

VanAlstyne asked Levesque if he had an update about the overhang issue that affected two properties and one Right-of-Way. Levesque stated that he had spoken to the Municipal Association, but they said Town Counsel needed to be consulted.

The Owen Travers Building Permit was discussed, and noted it was unnecessary for him to have one for the Farm Stand, as it was under 120 square feet in size. Discussion that the Plaisted Farm Stand on Alstead Center Road has not appeared to have opened yet for the season; and there is no information regarding if they plan to open it or not.

The Select Board had recommended Max Zurmuhlen as a Full Member; and current Member Joe Cartwright will go to an Alternate Member at this time.

Saxton stated that as far as Select Board enforcement went, that there are situations that the ZBA does not know about, and that Selectmen make decisions that best serve the Town. Saxton stated that it is their understanding that there were no driveway restrictions on the Deed for the 500 Walpole Valley Road lot – Konesko stated that there indeed were, and they are registered with the Cheshire county Registry of Deeds. Several of the ZBA Members in attendance (Rau, Molesky, Konesko, and Zoning Officer Kauders) stated they were not in agreement with “just letting things go” as Saxton had suggested. Saxton had stated that getting 95% compliance is to be expected, and “the Town never enforces zoning violations because it is not practical”.

Konesko asked about the intern’s request for information for the NH Zoning Atlas Project Brief, and if the Board had to actually provide it. Levesque stated there is the RSA 91-A Right to Know Law, but that time and materials can be charged for. Marsden said she was simply referring them to the Town website for the requested information – that it was simply an email response.

A Motion (Rau/Levesque) was made to adjourn the Meeting. The Meeting adjourned at 8:45 PM.

Respectfully Submitted,

Melanie Marsden/Administrative Assistant to the Board