

Town of Newport
Zoning Board of Adjustment
June 17, 2026 6:30 PM
Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH

MEMBERS PRESENT: Ben Nelson, Chairman, Mary Knapp, Chris Whalen, Jeff Kessler, BOS Representative; James Burroughs, BOS Representative alternate

MEMBERS ABSENT: Nick Vertefeuille, alternate; Scott Meyers, Scott McCoy, alternate; Scott Stanton

VIDEOGRAPHER: NCTV

STAFF PRESENT: Joseph Hoppock, Planning and Zoning Administrator

APPLICANTS: Peter Therous, Case #2018; Darrell Warner, Case #2020; Matthew Pikus Case #2021

ABUTTERS PRESENT: Steve Essler Case #2018 & #2019, David Carnevale Case #2018 & #2019, Robert Howard Case #2018 & #2019

CALL TO ORDER: Chairman Nelson called the meeting to order at 6:32 pm followed by a roll call. He acknowledged Mr. Burroughs as the BOS alternate; and asked if he would be a sitting member. Board and public then recited the Pledge of Allegiance.

ADMINISTRATION: Mr. Hoppock informed Board members of the joint meeting of all Land Use Boards. It will be held on September 30, 2026 at 6 pm at the LaValley Family Community Center.

MINUTES: May 20, 2026

Ms. Knapp made a motion, seconded by Mr. Kessler; *to approve the minutes of May 20, 2026 as presented. The motion passed 4-0-1 (Whalen abstained).* The recording secretary asked if Mr. Burroughs was voting. She was told yes.

PUBLIC HEARINGS:

Case #2018: Heirs of Scott B. Hill (Owners) and Nham Pham (Agent): Request a Variance from the terms of Article II Section 207 of the Zoning Ordinance for that part of the property identified as Map 112, Lot 45 that is within the Single Family Residential (R-1) District to permit a cluster development where such use is not permitted. The property is located on Parkview Street and is situated within both the Rural (R) District and the Single Family Residential (R-1) District.

Chairman Nelson opened Case #2018. He acknowledged Mr. Peter Therous, DB Design Group; and asked him to explain what his client proposed to do. Mr. Therous explained that the property is located in two zoning districts; one allows cluster developments (by Special Exception), the second district doesn't. The Variance was previously approved 6 years ago; it was never acted upon. Using site plans, Mr. Therous gave an overview of the proposal: ten units are to be built on the site; all units will be hooked to Town water and sewer. Because the proposal is a cluster development the lot size will be reduced to 20,000 sq. ft.; greenspace will be increased due to the nature of cluster development. When asked, Mr. Therous read aloud his application into the record.

Chairman Nelson asked if there were questions from the Board.

Mr. Burroughs asked Mr. Therous if he had presented the case six years ago. He was told no; it was under different ownership. It was stated it was Ron DeCola.

Mr. Kessler asked if the proposal was for duplexes. He was told currently yes.

Own or rent? Mr. Therous said currently one owner. Long term leases? It is the current intent.

Mr. Therous said that there was a potential buyer who wanted to ensure that he will be able to construct the proposed development. He gave the potential plans.

Chairman Nelson addressed Mr. Hoppock and asked about the restrictions of Variances. Work had to be started within two years (or lose Variance).

Mr. Hoppock explained there were two years for a granted Variance to be acted upon. The Variance on the property expired (4 years ago). It can be renewed at any time (before it expires). Mr. Kessler stated that extensions are asked for before the variance is expired. Mr. Hoppock agreed. The applicant now had to reapply. Chairman Nelson questioned: if the applicant built one (dwelling) now, could he build another in five years. Mr. Hoppock stated no. They would have to ask if it (the one) is a substantial undertaking for the cluster development. He would say no. Mr. Kessler said if only one side was built, that would be a single-family home. If both sides were constructed...Chairman Nelson said that it would be smart to return to the ZBA and ask for an extension before it expires.

Mr. Hoppock said that a subdivision will be required. If a Variance was granted, Mr. Therous would move on to the next step.

Mr. Whalen asked who owned the property. He was told the heirs of Scott Hill. When asked, Mr. Therous stated they have the property for sale. Sale is pending attaining all permits from the Town.

Chairman Nelson opened the hearing to the public.

Mr. Robert Howard asked what the zone was. He was told R-1. Mr. Howard asked about Town water and sewer. Using a site plan, Mr. Therous showed the location of a fire hydrant. Town water and sewer would be brought down Parkview Street. Mr. Kessler clarified that to have the ¼ acre lot as proposed, they were required to hook up to Town water and sewer. Mr. Howard asked and it was clarified that each lot would be a ¼ acre. When asked, Chairman Nelson explained cluster lots versus regular lots. He explained the color coding of the site plan for Mr. Howard. Mr. Howard then asked if he and his neighbors would have to go on Town water and sewer. After discussion, Mr. Howard was told they were grandfathered in with their septic systems. They would not be required to hook up to Town water and sewer. New houses, would be required. Existing houses would not. The abutters and Mr. Therous reviewed aspects of the site plan (including the power line easement shown).

Mr. Howard stated the site plan from 2020 had been configured differently; it had had a roundabout. Mr. Kessler stated the applicant in 2020 might have come to the ZBA with this plan; it might have been changed at Planning Board. He explained the ZBA gave them the approval to build the cluster development, the Planning Board worked out the details of the buildings and lot. Mr. Therous addressed the abutters and explained that he was presenting a schematic drawing to get the variance. He will be presenting a detailed plan for the Planning Board with the road, buildings and utilities. It might change to meet requirements.

Mr. Howard commented on the road and the dimensions as shown on the site plan.

Mr. David Carnevale discussed the traffic problems that they currently have in the neighborhood. They had children that played there. He expressed his concern on potential septic systems in the proposed development. Chairman Nelson stated they were proposing hooking up to Town water and sewer. Mr. Burroughs said they were hearing the case to see if it will be granted a Variance. Many of the abutters concerns will be reviewed at the Planning Board. Mr. Kessler said the abutters will be notified by mail if the case went to the Planning Board. The abutters addressed the ZBA and stated they wanted to voice that they did not like the proposal. The Board was asked if the development would potentially raise their taxes. There was a brief discussion on taxes in Town. Ms. Stetson addressed the Board and stated that in 2020 the first Variance was requested by Ron DeCola. At that time the Cross Street and the Mill Complex developments were not in existence. The development will add more traffic to the roads. Mr. Burroughs stated that traffic is under the Planning Board's purview. Ms. Stetson continued, stating that legally the ZBA can't ask an applicant the type of housing stock they will be constructing. She asked if they had seen/read the revised HOP report on Newport done by the Upper Valley. When asked to explain the HOP study, she explained it was the housing study done by the Upper Valley concerning the types of housing stock in Newport and the types that were still needed.

Chairman Nelson closed the hearing to the public. He returned to the Board and asked if they had any questions. There being none, he called for a motion to close the hearing to Deliberations. Mr. Kessler made a motion ***to go into Deliberations***. It was seconded by Mr. Burroughs. ***The motion passed 5-0-0.*** In discussion, Chairman Nelson stated that they were to decide about allowing a cluster development. Mr. Burroughs clarified the same request was approved in 2020. Chairman Nelson said it has gotten busy (roads). The cluster made more sense than spreading the houses out. He said that he wanted to make it a condition that all the houses were hooked up to Town water and sewer. Ms. Knapp agreed with the condition. The ZBA held a general discussion on the proposal.

Variance Statement of Reasons and Discussion Chairman Nelson asked for motions on the five prongs. Mr. Kessler made a motion that: *Granting the Variance would not be contrary to the public interest because it provides for additional residential housing and it is a more efficient use of the parcel than putting up ten separate ¼ acre lots.* It was seconded by Mr. Burroughs. There was no discussion. *The motion passed 5-0-0.*

Mr. Kessler made a motion that: *The spirit of the ordinance would be observed because the property is adjacent to the rural district where cluster development is allowed per Special Exception.* It was seconded by Mr. Whalen. There was a brief discussion on zoning. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Ms. Knapp made a motion that: *Granting the Variance would do substantial justice because it allows reasonable use of the property consistent with the uses in the majority of the parcel.* It was seconded by Mr. Burroughs. There was no discussion. Chairman Nelson called for a vote. *The motion passed 5-0-0.* The recording secretary asked Chairman Nelson who seconded the motion. Mr. Burroughs stated he had. The recording secretary asked Mr. Burroughs to speak louder (during motions).

Mr. Whalen made a motion that: *For the following reasons the values of the surrounding properties would not be diminished because a developed piece of property is more valuable than an undeveloped property. It will add to the values of the surrounding properties.* It was seconded by Ms. Knapp. Chairman Nelson called for a vote. *The motion passed 5-0-0.* He clarified for the recording secretary that the vote was unanimous. She thanked the Chair.

Unnecessary hardship

Mr. Kessler made a motion: Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because: *There is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because: this part of the property abuts the rural section of the property where cluster development is permitted by Special Exception and this allows the property owner to utilize the property to its fullest.* It was seconded by Mr. Whalen.

And:

Mr. Kessler made a motion that *the proposed use is a reasonable one because: cluster development allows for maximum amount of undeveloped property between this property and the neighboring property.* It was seconded by Ms. Knapp.

The recording secretary asked Chairman Nelson if he was having a motion and second for each part of the hardship prong. Chairman Nelson stated yes. The recording secretary read back the people who motioned and seconded for the two parts. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Chairman Nelson called for a motion to memorialize the decision of the ZBA to grant the Variance. He stated a condition of hooking up to Town water and sewer was prudent.

Mr. Kessler made a motion *to grant a Variance for Case #2018 with the following condition:*

- 1. All dwellings will be hooked up to Town water and sewer*

In a Point of Order, Mr. Hoppock stated the case required subdivision approval. He recommended that that be made a condition. Mr. Kessler added, “and what Joe said”.

Mr. Hoppock told the Board that information was in his administrative review. He was stating it aloud to the Board and public that the condition was a necessity. He wanted everyone to be aware.

Chairman Nelson stated aloud: Mr. Kessler made a motion: *to grant a Variance for Case #2018 as presented with the following conditions:*

- 1. All dwellings will be hooked up to Town water and sewer*
- 2. Subject to site plan review*

It was seconded by Mr. Burroughs.

The motion passed 5-0-0.

Mr. Burroughs addressed the abutters and suggested they contact the Town Highway Department about blocked line of sight due to invasive species growing into the road.

Case #2019: Heirs of Scott B. Hill (owners) and Nhan Pham (Agent): Request a Special Exception in accordance with the terms of Article II Section 206.2 of the Zoning Ordinance for property identified as Map 112, Lot 45 to permit a cluster development in that part of the parcel that is within the Rural (R) District. The property is located on Parkview Street and is situated within both the Rural (R) District and the Single Family Residential (R-1) District.

Chairman Nelson opened Case 2019.

He clarified that the non-yellow land on the site plan was the Rural District. He said that basically the proposal was the same as Case 2018, it only needed Special Exception approval. There was a general discussion on the ordinance regulations pertaining to the overlapping of the abutting lots. Mr. Hoppock was asked how many dwellings were needed to be labeled a 'cluster'. The Board was told two. Mr. Hoppock read aloud the definition. There was a brief discussion on cluster developments.

Chairman Nelson opened the Case to the public. Mr. Hoppock requested the three criteria be read aloud to the public. They could ask questions on the criteria. Chairman Nelson complied.

Mr. Kessler made a motion ***to go into Deliberations.*** It was seconded by Mr. Burroughs. Chairman Nelson stated the people who gave the motion and second for the recording secretary. ***The motion passed 5-0-0.***

There was a discussion on the development and use of the land.

Zoning Board of Adjustment Special Exception

Standard A

Mr. Kessler made a motion that: ***The proposed use will not be detrimental to the overall character of the neighborhood by reason of undue variation from the nature of other uses in the vicinity including design, scale, noise and odor; Standard A has been met.*** It was seconded by Mr. Whalen. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Standard B

Mr. Burroughs made a motion that: ***The proposed use will not be injurious, noxious or offensive or in any way detrimental to the neighborhood because it is in keeping with the neighborhood. Standard B has been met.*** It was seconded by Ms. Knapp. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Standard C

Ms. Knapp made a motion that: ***The proposed use will not be contrary to the public health, safety and general welfare by reason of undue traffic congestion or hazards that pose a risk to life and property or be unsanitary or create unhealthful waste disposal or unhealthful conditions. Standard C has been met.*** It was seconded by Mr. Kessler. ***The motion passed 5-0-0.***

Chairman Nelson asked for a motion to memorialize the Board's decision.

Mr. Kessler made a motion ***to approve a Special Exception for Case #2019 as presented with the following conditions:***

- 1) All dwelling units are hooked up to Town water and sewer***
- 2) Site Plan approval by the Planning Board***

It was seconded by Ms. Knapp. ***The motion passed 5-0-0.***

On a Point of Order, Mr. Hoppock stated a Point of Correction was needed. A site plan approval is not required; a subdivision approval is. If the applicant receives a subdivision approval a site plan approval is automatically approved. Mr. Kessler agreed to correct his motion.

The recording secretary asked Mr. Kessler to state out loud the entire (corrected) motion for the record.

Mr. Burroughs interrupted and stated the last motion with the... the recording secretary addressed Mr.

Burroughs, "Excuse me"... and again addressed Mr. Kessler and again asked for the full motion. After discussion by the Board and prompting by Mr. Hoppock, Mr. Kessler complied:

Mr. Kessler made a motion *to approve Case #2019 as presented with the conditions that:*

- 1. All dwelling units are hooked up to Town water and Town sewer*
- 2. Subdivision approval by the Planning Board*

The recording secretary thanked Mr. Kessler. It was seconded by Ms. Knapp.

Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Case #2020 Darrell Warner (Owners): Request a Variance from the terms of Article II Section 2065.A of the Zoning Ordinance to allow a 25-foot front yard setback where 50 feet is required. The property is identified as Map 257, Lot 003 and is located at 517 East Mountain Road in the Rural (R) District.

Chairman Nelson opened Case #2020. He acknowledged Mr. Warner and asked where his home was situated on East Mountain Road. Mr. Warner complied. Chairman Nelson asked him if he proposed to put up a garage and requested a setback of 25 feet instead of 50 feet as required.

Mr. Warner explained when he bought the house it had an upper and lower driveway. He proposed erecting a garage at the lower driveway. The only way to fit the building with the correct offset from the house was to have a smaller front yard setback. The other areas of the property have a (13%) slope which makes it not conducive to placement of a garage. Chairman Nelson clarified that he was not asking for a new building that would be a dwelling. Mr. Warner agreed.

Chairman Nelson opened the case to the public. There being no comments or questions, he returned to the Board. There being no further questions from the Board, Chairman Nelson closed the hearing to the public.

Mr. Whalen made a motion to (the recording secretary offered 'go into Deliberations'). Chairman Nelson stated: "Mr. Burroughs made a motion *to go into Deliberations*. It was seconded by Mr. Whalen." There was a brief discussion on the unique layout of the roads in front of the property. Chairman Nelson repeated that Mr. Burroughs made the motion and it was seconded by Mr. Whalen. *The motion passed 5-0-0.* There was a brief discussion and historical information on the area among the Board members.

Variance Statement of Reasons and Discussion Chairman Nelson asked for motions on the five prongs. Mr. Kessler made a motion that: *Granting the Variance would not be contrary to the public interest because it is at the end of a Class VI road that will be traveled on and the property does not allow for it to be setback any further. There will be plenty of room for the snow plow if it became a Class V road and the condition of the property prohibits setting the garage further back.* It was seconded by Mr. Burroughs. There was a brief discussion on the property. *The motion passed 5-0-0.*

Mr. Whalen made a motion that: *The spirit of the ordinance would be observed because it still has a substantial setback (25 feet for the property).* It was seconded by Mr. Burroughs. The recording secretary asked Chairman Nelson who seconded the motion. Mr. Burroughs said he did. There was no discussion. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Ms. Knapp made a motion that: *Granting the Variance would do substantial justice because it gives him a place to store his vehicles and equipment.* It was seconded by Mr. Burroughs. In discussion Mr. Kessler added: *and the condition of the property prohibits setting the garage further back.* Mr. Burroughs seconded the motion as amended. *The motion passed 5-0-0.*

Mr. Whalen made a motion that: *For the following reasons the values of the surrounding properties would not be diminished because there is not a lot of property surrounding the area.*

It was seconded by Mr. Kessler. In discussion Mr. Whalen asked and it was stated the ZBA did not ask for the size of the proposed garage. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Unnecessary hardship

Mr. Kessler made a motion: Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because: ***There is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because: the slope of the property prohibits placing the garage further back***

And:

The proposed use is a reasonable one because: it adds value to the property and allows the property owner to protect their equipment. It was seconded by Mr. Burroughs. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Chairman Nelson called for a motion to memorialize the decision of the ZBA to grant the Variance. Mr. Kessler made a motion ***to grant a Variance for Case #2020 as presented.*** It was seconded by Mr. Whalen. ***The motion passed 5-0-0.***

Case #2021: Remington Ridge, LLC (Owner) by Matthew Pituk (Agent):

Request a Variance from the terms of Article II Section 206A.3 to reduce the frontage to 140.27 feet where 300 feet is required. The property is identified as Map 235, Lot 028 and is in the Rural/Commercial RC) District.

Chairman Nelson informed the Board and applicant that he was not technically an abutter. His son was; and worked the applicant's land. He stated he would recuse himself if the Board or applicant wished. There was no request for recusal.

Chairman Nelson opened Case #2021 and asked Mr. Pituk to explain his proposal. Mr. Pituk gave the history of the Variances and Special Exceptions he has been granted:

September 18, 2024 Special Exception approved to allow backlot

April 16, 2025 Variance granted to permit an unspecified reduction in the yard setback requirements.

July 23, 2025 A two lot subdivision approved to create: a 1.509 acre parcel and 49+/- acre parcel

Using a site plan, Mr. Pituk explained the small single family dwelling he proposed. He needs an additional variance from the road frontage requirements (140.27 feet instead of the required 300 feet). Future plans are for a second, larger single-family dwelling to be built. The first dwelling will become an attached ADU.

He informed the ZBA that the approved subdivision (July 23, 2025) has been recorded at the Sullivan County Registry of Deeds. Before the building permit could be issued, he needed a variance granted for the backlot and was seeking reduction of the frontage for the backlot (he confirmed his statements with Mr. Hoppock).

In discussion, Mr. Whalen said he remembered the case, he had no problems. Chairman Nelson stated that sight line was good on the road, the road was straight there. Mr. Pituk stated that NHDOT will not allow another egress; there is a shared access for the two lots. There was a general discussion on the order of the case with Mr. Hoppock. Mr. Hoppock clarified that the applicant should have gone before the ZBA before the Planning Board.

Chairman Nelson called for a motion to close the hearing to Deliberations.

Mr. Kessler made a motion ***to go into Deliberations.*** It was seconded by Mr. Burroughs. ***The motion passed 5-0-0.*** There was no discussion among the Board members.

Variance Statement of Reasons and Discussion Chairman Nelson asked for motions on the five prongs. Mr. Kessler made a motion that: ***Granting the Variance would not be contrary to the public interest because the existing lot and sight lines on the road are adequate.*** It was seconded by Ms. Knapp. There was no discussion. ***The motion passed 5-0-0.***

Mr. Whalen made a motion that: *The spirit of the ordinance would be observed because there is an existing driveway there and it allows use for the property.* It was seconded by Ms. Knapp. Mr. Kessler made a statement on the usable frontage. There was no further discussion. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Mr. Kessler made a motion that: *Granting the Variance would do substantial justice as it will allow the owner to utilize his property as he sees fit.* It was seconded by Ms. Knapp. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Mr. Kessler made a motion that: *For the following reasons the values of the surrounding properties would not be diminished because the improvements to the property will be out of sight of the road.* In discussion, Chairman Nelson added are consistent to the area. It was seconded by Ms. Knapp. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Unnecessary hardship

Mr. Kessler made a motion: Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because: *There is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because: the lot is existing and road access will be to the adjacent property*

And:

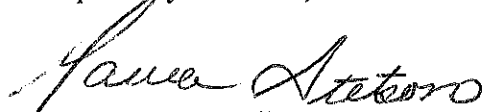
The proposed use is a reasonable one because: the road frontage will be to the adjacent lot. It was seconded by Ms. Knapp. Chairman Nelson called for a vote. *The motion passed 5-0-0.*

Chairman Nelson called for a motion to memorialize the decision of the ZBA to grant the Variance.

Mr. Kessler made a motion *to grant a Variance for Case #2021 as presented.* It was seconded by Mr. Whalen. *The motion passed 5-0-0.*

There being no further business, Mr. Burroughs made a motion *to adjourn at 7:58 pm.* It was seconded by Mr. Whalen. Chairman Nelson repeated: it was motioned by Mr. Burroughs and seconded by Mr. Whalen. *The motion passed 5-0-0.*

Respectfully submitted,



Maura Stetson, Scribe

Approved on: August 19, 2026