

Zoning Board of Appeals

**Meeting Minutes
August 20, 2026**

Call to Order

Chairman **Keith Klaws** called the meeting of the Zoning Board of Appeals to order at **6:00 p.m.** on **Thursday, August 20, 2026**.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call / Introductions

Present Board:

- Keith Klaws, Chairman
- Carol Pickford, Member
- Steve Marcq, Member
- Joanna Rusch, Member
- Mike O'Meara
- Applicant: Attorney Brett Allard and Ryan Tabor representative from Eastern Development LLC
- Guest and Abbutters: Denise Deblois, Wayne Deblois, James Campbell and Mr. & Mrs. Narnunu

Meeting Procedures

- The Chair requested that all participants speak loudly and clearly because the air conditioning was operating and the meeting was being recorded.
- The Chair also requested that residents speak one at a time and identify themselves before speaking to ensure the discussion and recording were clear.
- No old business was presented.

New Business

Eastern Development LLC – ZBA Case 2026-03

Property ID: 109-048

Zoning District: R-1 Residential

- Attorney Brett Allard of Shaughnessy Allard appeared on behalf of Eastern Development LLC.
- Ryan Tabor, principal of Eastern Development LLC, was also present.

Proposed Development

- The applicant proposes:
 - Two duplex buildings.
 - A total of four residential units.
 - Condominium ownership.
 - A shared driveway serving both buildings.
- The property is currently vacant and is approximately 3.09 acres.
- The property has an unusual flag/pork-chop configuration with two separate access points from Granite Street.
- A wetland channel runs through the center of the property.
- Lot 49 is a separate parcel located between portions of the property.
- The applicant proposes locating both buildings on the eastern portion of the property, closer to the commercially developed area and farther from the existing residential neighborhood.

Relief Requested

- **Special Exception:** Section 702, Subsection 4, to permit two-family dwellings in the R-1 district.
- **Variance:** Section 1302, to permit two separate principal residential buildings on one lot.

Special Exception – Applicant's Presentation

The applicant reviewed the special exception criteria, including:

- **1.Fire, explosion, toxic materials, or hazardous activity**
 - The proposed use is ordinary residential development and does not involve commercial, industrial, or manufacturing activity.
 - Municipal water is proposed.
 - Private septic systems were discussed, subject to applicable approvals.
- **2.Property Values and Residential Character**
 - The proposed use is residential and consistent with the R-1 district.
 - The buildings are intended to maintain a conventional residential scale and appearance.
 - The buildings would be positioned toward the interior/eastern portion of the parcel.

- **3.Traffic and Safety**
 - The applicant characterized the development as small-scale residential use.
 - A shared driveway would be used rather than creating two separate driveways.
 - The applicant stated that the proposed arrangement would minimize site disturbance.
- **4.Municipal Services**
 - The applicant stated that municipal water capacity is available.
 - The private driveway and condominium improvements would not create additional town road maintenance obligations.
 - Common improvements would be maintained through the condominium association.
- **5.Stormwater**
 - The conceptual stormwater plan includes vegetated and stone-lined swales.
 - The applicant stated that drainage, culverts, underdrains, vegetation, and swales would be addressed as necessary through the permitting process.
- **6.Appropriate Location**
 - The applicant stated that the property is located in a transitional area between residential and commercial development.
 - Duplexes are permitted in the district by special exception if the required criteria are met.
- **7.Health and Safety**
 - The proposed use is residential and is not expected to create significant adverse health or safety impacts.
- **8.Public Interest and Spirit of the Ordinance**
 - The applicant stated that the proposal is consistent with the intent of the ordinance and the surrounding transition between residential and commercial uses.

Keith stated that the applicant has the right to a full board which consist of 5-current board to hear case 4. The applicant agreed to continue with the board of 4.

Variance – Applicant's Presentation

- The applicant clarified that the variance does **not** request additional density or permission for the duplex use itself.
- The variance is specifically requested to allow two principal residential buildings on the same parcel.
- The applicant stated that the unusual configuration of the property creates special conditions supporting the variance.
- The shared driveway and placement of both buildings on the eastern portion of the property would:
 - Reduce disturbance to the wetland area.
 - Keep development farther from neighboring residential properties.

- Avoid the need for two separate driveways.
- Create one coordinated residential development rather than two separate developments.

Variance Criteria Discussed

- 1. The applicant stated that the variance would not be *contrary to the public interest*. The proposal would maintain residential use and scale.
- 2. The applicant stated that the *spirit of the ordinance* would be maintained because the two buildings would function as one coordinated development. A condominium association would be responsible for common improvements, including the shared driveway.
- 3. The applicant stated that *substantial justice* would be served by allowing the property to be developed as one coordinated project.
- 4. The applicant stated *that surrounding property values would not be diminished*.
- 5. The applicant identified the property's unusual shape, size, two access points, and wetland channel as special conditions creating a *hardship*.

Question from ZBA:

- Q: Steve asked about the size and height of the proposed units.
- A: The applicant stated that each side would be approximately 1,500 square feet, with the possibility of a modest increase. The buildings would be two stories. The applicant discussed incorporating garage space beneath/within the buildings.

Public Comment and Questions:

- Q: Denise Deblois, residence at 65 Granite Street, asked for clarification regarding the proposed driveway location.
- A: The applicant explained that the driveway would use the existing access area behind the pizza restaurant/along Granite Street.
 - **Concerns were raised regarding:**
 - Existing traffic in the area.
 - Vehicles using the area as a right-of-way.
 - Traffic on Granite Street.
 - The number of vehicles potentially associated with four residential units.
 - Whether adequate parking and turnaround space would be provided.
- The applicant stated that parking would accommodate the expected vehicles and that a turnaround would be provided.
- The proposed driveway was estimated at approximately 280–300 feet in length.

Traffic Signal/Warning Light

- Q: Denise Deblois asked whether a traffic light or warning light would be installed.
- A: Chair Klaves explained that such matters were outside the immediate scope of the ZBA application and would be addressed through the appropriate permitting processes.

Site Excavation and Drainage

- Q: Denise Deblois asked about excavation for the proposed buildings and whether ledge was present.
- A: The applicant stated that test pits had been conducted and that the material was primarily sand and small gravel.
- Q: Ms. Deblois expressed concerns about existing water and runoff in the area, including water accumulating near the street.
- A: The applicant stated that the wetland channel would remain undisturbed and that the development was intentionally being located away from the wetland.

Planning Board and Future Permitting

- The Board explained that approval by the ZBA would not constitute final approval of the entire project.
- Because the project would involve a condominium, it would also require Planning Board review.
- Future Planning Board review would address matters including:
 - Driveway location and design.
 - Stormwater.
 - Landscaping.
 - Utilities.
 - Other subdivision/condominium requirements.
- The applicant would also be required to obtain applicable building and driveway permits and comply with town regulations.

Sewer and Septic

- Q: Questions were raised regarding whether municipal sewer was available at the property.
- A: The discussion indicated uncertainty regarding the extent of municipal sewer service along Granite Street. The Board stated that if municipal sewer is available and required, the applicant would need to connect to it; otherwise, septic/subsurface disposal would be subject to applicable NHDES requirements. The Chair indicated that the availability and capacity of sewer service would need to be verified.

Utilities

- A: James Campbell residence at 6 Campbell Street asked about the location of electrical service.
- Q: The applicant stated that power is available on the opposite side of the street and that service could potentially be brought to the property overhead and then underground along the driveway, subject to Planning Board requirements.

General Concerns

- Q: Mr. Campbell stated that his primary concern was the impact of the proposed development. He questioned whether four units would create a greater impact than a single-family residence.
 - He expressed concerns regarding:
 - Eight or more vehicles associated with the proposed units.
 - The driveway configuration.
 - The steep grade of the property.
 - Excavation and removal of material.
 - Removal of trees.
 - The overall impact on Granite Street.
- A: The applicant stated that the target driveway grade would be approximately 12%, compared with an existing grade of approximately 16%. He estimated that approximately 3,000 cubic yards of material could need to be removed. Also stated that using one shared driveway would result in less site disturbance than constructing two separate driveways.
- The Board noted that driveway grades and access requirements would be reviewed through the applicable permitting process.
- Q: The Narnunu discussed the location of their property at 8 Allentown Road in relation to the proposed development as a potential abutter.
- A: The Board reviewed the map to determine whether the property was an abutter to the property.

Board Questions to Applicant

- Q: The Chair Klawes asked whether the applicant had completed engineering studies demonstrating that the development would not cause significant additional runoff or drainage problems for neighboring properties.
- A: The applicant stated that engineering studies had **not yet been completed**. The applicant indicated that stormwater engineering would typically be addressed during Planning Board review and the applicable driveway/building permitting process. The Board expressed concern about the lack of engineering documentation regarding stormwater impacts.

Deliberation – Special Exception

- The Board prepared to enter deliberation regarding the special exception.
- The Chair Klawes explained that once deliberation began, only Board members would participate in the discussion. Any necessary clarifying questions for the applicant would be directed through the Chair. At approximately **6:50 PM**, a motion was made to enter deliberation on the special exception.
 - Motion made by Steve to go into deliberation for special exception
 - Seconded by Carol
 - Motion passed with the members present voting in favor.

Special Exception Criteria Review

Criterion 1 – Hazardous Activity

- The Board discussed whether the proposed residential use would create hazards from fire, explosion, toxic materials, or hazardous activity.
- The Board generally agreed that ordinary residential use would not create such hazards.
- The Board distinguished construction activities from the ongoing use of the property.
- **Board determination:** *Criterion 1 was considered satisfied.*

Criterion 2 – Property Values and Essential Character

- The Board discussed whether the proposal could diminish surrounding property values or alter the essential character of the residential neighborhood.
- Concerns were expressed regarding:
 - Four residential units being located behind existing homes.
 - Increased parking and vehicle activity.
 - The potential for eight or more vehicles.
 - The effect on the character of an area primarily consisting of single-family residences.
- Some Board members believed the applicant had not adequately demonstrated that property values and neighborhood character would be protected.
- Other Board members believed the applicant had sufficiently addressed the criterion.
- **Board determination:** *Board divided on whether Criterion 2 had been proven.*

Criterion 3 – Traffic and Congestion

- Concerns were raised regarding:
 - Four units.
 - Potentially two vehicles per unit.
 - The single shared driveway.
 - The need for vehicles to use a turnaround area.
 - Existing traffic conditions on Granite Street.
- Some Board members believed the additional traffic could create a significant concern.
- Other members did not believe the increase would be significant.
- **Board determination:** *Board divided on whether Criterion 3 had been satisfied.*

Criterion 4 – Municipal Services

- The Board discussed potential impacts on municipal water, sewer, waste disposal, police, fire protection, and schools.
- The Board generally indicated that the proposed development was not expected to create an excessive demand on municipal services.
- **Board determination:** *Sewer availability and capacity remained an item requiring verification to satisfy Criterion 4*

Criterion 5 – Stormwater Runoff

- Significant concerns were raised regarding stormwater runoff to neighboring properties and public ways.
- The Chair referenced prior development projects where drainage problems had occurred.
- The Board noted that other projects had provided engineering studies addressing stormwater impacts before receiving approvals.
- The applicant had not provided engineering studies demonstrating that runoff would not adversely affect neighboring properties.
- Concerns included:
 - Existing drainage and water conditions.
 - The proposed grading.
 - The approximately 300-foot driveway.
 - Vegetation removal.
 - Potential changes to the property's ability to absorb and direct water.
- **Board determination:** *members participating in the discussion expressed concern that the applicant had not demonstrated that Criterion 5 board not satisfied.*

Concern raised with the Applicant:

- *The Board discussed concerns that had arisen during deliberation, particularly:*
 - *The need for additional stormwater information.*
 - *Traffic and access concerns.*
 - *Potential impacts on neighboring properties.*
- *The applicant requested that the Board allow the applications to be continued to the following month so additional information and potential plan revisions could be provided.*
- *The Chair explained that the Board had previously been asked whether it wished to continue the matter because a full Board was not present, and the Board had elected to proceed with four members.*
- *The applicant clarified that the current request to continue was based on the substantive concerns raised during deliberation, rather than the number of Board members present.*
- *The Board discussed whether it had the authority to continue the matter after entering deliberation.*
- *The applicant stated that continuing the matter would allow the applicant to provide additional information rather than having the applications denied without an opportunity to address the Board's concerns.*

Criterion 6 – Appropriate Location for the Proposed Use

- The Board discussed whether the proposed use was appropriate for the location.
- Concerns were raised that the surrounding area consists primarily of single-family homes.
- One Board member stated that the proposed multifamily development would represent a change from the existing single-family residential character.
- Another Board member noted that the property is located near a commercial area and could provide additional housing in a transitional location.
- The Board discussed the proximity to commercial uses and the potential benefit of having housing near services.
- **Board determination:** *The Board did not reach a unanimous conclusion on criterion 6 to satisfied.*

Criterion 7 – Health, Safety, and Neighboring Properties

- The Board considered whether the proposed use would have an adverse effect on the health and safety of residents or others in the area.
- The Board also considered whether the proposed use would be detrimental to the use or development of adjacent or neighboring properties.
- **Board determination:** *The Board discussed whether the applicant had provided sufficient information to demonstrate that there would be no adverse effects.*

Criterion 8 – Public Interest and Spirit of the Ordinance

- The Board discussed whether the proposal would be in the public interest and consistent with the spirit and intent of the ordinance.
- It was noted that the Town's Master Plan supports additional housing.
- Some Board members questioned whether the proposal was in the public interest given the concerns expressed by abutting property owners and residents.
- Other members believed the proposal could provide a benefit by adding housing in an area near commercial uses.
- **Board determination:** *The Board ultimately discussed Criterion 8 as one of the criteria that could be considered satisfied.*

Criterion 9 – Compliance with Ordinance Requirements

- The Board reviewed whether the requirements set forth in the ordinance for the particular use permitted by special exception had been met.
- **Board determination:** *The Board members generally agreed that this criterion was satisfied.*

Board Discussion Regarding Applicant's Burden of Proof

- Keith stated that the applicant has the responsibility to demonstrate that the required special exception criteria have been met. He expressed concern that the applicant had not provided sufficient supporting information regarding certain issues, particularly stormwater and traffic.
- The Board discussed whether it should deny the application based on the information available rather than provide the applicant with an opportunity to conduct additional research and return with additional information.
- Keith stated that, based on the lack of sufficient information, they were prepared to deny the application.
- Steve said that additional information could assist them in making a more informed decision. He discussed prior applications in which applicants had provided engineering information demonstrating that proposed development would not create additional stormwater runoff.
- The Board noted that the current presentation did not include the same level of engineering information.

Applicants' Withdrawal of Applications

- The applicant stated that if the Board would not allow the applications to be continued so that additional information and potential plan revisions could be presented, the applicant would withdraw the applications.
- The applicant explained that a denial could result in a final decision that would limit the ability to return with a similar proposal.
- The applicant stated that withdrawal would allow the applicant to address the concerns and potentially return with a revised application in the future.

- The applicant confirmed that both applications would be withdrawn:
 - **Special Exception – ZBA Case 2026-03**
 - **Variance – ZBA Case 2026-03**
- The Board acknowledged the withdrawal for the record.

Motion to End Deliberation at 7:14

- A motion was made by Carol to come out of deliberation.
- The motion was seconded by Steve
- The motion passed, and the Board returned to the regular meeting.

Withdrawal of Applications

- Attorney Brett Allard formally withdrew both applications on behalf of Eastern Development LLC.
- The Board acknowledged the withdrawal.
- No further action was taken on the applications.

Other Business

Previous Minutes: No minutes were presented for approval.

Correspondence: No correspondence was received or discussed.

Future Meetings: No additional meeting was scheduled at this time.

Adjournment

- A motion was made by Carol to adjourn the meeting.
- Motion was seconded by Steve.
- The motion to adjourn was approved by the Board.
- The meeting was adjourned at approximately **7:16 PM**.

These minutes were transcribed and respectively submitted by
Dawna Baxter, Recording Secretary
Pending approval by the Zoning Board

ZONING BOARD

SIGNATURE PAGE

Keith Klawes, Chair

Date signed _____

Joanna Rusch, Secretary

Date signed _____

Carol Pickford, Member

Date signed _____

Steve Marcq, Member

Date signed _____

Diane Adinolfo, Member

Date signed _____