

Town of Newport
Zoning Board of Adjustment
May 20, 2026 6:30 PM
Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH

MEMBERS PRESENT: Ben Nelson, Chairman, Mary Knapp, Scott Meyers, Scott McCoy, alternate; Scott Stanton, Jeff Kessler, BOS Representative

MEMBERS ABSENT: James Burroughs, BOS Representative alternate; Nick Vertefeuille, alternate; Chris Whalen

VIDEOGRAPHER: NCTV

STAFF PRESENT: Joseph Hoppock, Planning and Zoning Administrator

APPLICANTS: Steven Dube, Jr. Case #2016; Mitchell Fenney Case #2017

COMMUNITY MEMBERS PRESENT: Glen West, Steven Dube, Sr.

CALL TO ORDER: Chairman Nelson called the meeting to order at 6:30 pm followed by a roll call. Chairman Nelson stated that Mr. Scott McCoy, alternate; would participate as a non-voting member. If a Board member recused himself during the meeting, Mr. McCoy will be a voting member. Board and public then recited the Pledge of Allegiance.

Mr. Hoppock, new Planning and Zoning Administrator introduced himself to the Board members. The Board packets had been prepared; he was not familiar with what the Board wanted or needed. He asked for clarification after the meeting and if necessary, what was in their packets would be different.

Concluding, he stated he was happy to be in Newport. Chairman Nelson stated they were also happy to have him. He wished Town Manager Harris well on his recovery.

MINUTES: April 15, 2026

Mr. Kessler made a motion, seconded by Ms. Knapp; *to approve the minutes of April 15, 2026 as presented. The motion passed 5-0-0.*

PUBLIC HEARINGS:

Case #2016: Steven Dube, Jr. and Ashley Dube (Owners): Request a variance from the terms of Article II Section 207.1 of the Zoning Ordinance to permit a manufactured home on property located on Alexander Ave, more particularly identified as Map 064, Lot 001.

Chairman Nelson opened Case #2016. He addressed Mr. Hoppock and asked for his administrative review.

Mr. Hoppock addressed the Board and stated he did not believe the application should have come before the ZBA. He read aloud the request from the application, then read aloud from Article II Section 207.1 which stated what the Zoning Ordinance permitted. He stated that the proposed home:

1. will not be mobile, it is not of a trailer/mobile home type
2. will be at a fixed location
3. is a single-family dwelling

Mr. Hoppock said it was his opinion that a variance was not needed, only a building permit.

Mr. Hoppock said he had noticed there was only a 70-foot frontage to the property. Mr. Dube, Jr. had attended the November 16, 2023 ZBA meeting and had acquired a variance for the reduced road frontage (minutes in the Board packets). When asked by a Board member, the variance granted in 2023 is still valid; work has been done on the proposed driveway. Concluding, Mr. Hoppock said the applicant had no business before the ZBA.

Mr. Meyers addressed Mr. Hoppock and stated that in the past mobile homes were considered anything that could be moved from one lot to another. Manufactured homes have to be set up on a foundation and tied down with hurricane straps. It could be moved if sold in the future (with a lot of work). A 2026 manufactured home is very different from the term used in the 1970s for mobile home or trailer. Mr. Meyers asked if they could change the language in the Zoning Ordinance to make it clearer in zoning.

Mr. Hoppock agreed and encouraged it. He explained the ZBA could work on the wording and then the request would have to go through the Planning Board to Town Meeting (as Warrant Article). The Board members all agreed the language in the Newport Zoning Ordinance needed to change.

Referring to their zoning ordinance books, the Board members and Mr. Hoppock discussed whether there was a need for Mr. Dube, Jr. to go before the Board for a second variance. A previous case involving a manufactured home was brought up; the ZBA had heard that case to ensure the applicant would be able to do what he proposed. After a lengthy discussion, debating the known facts of a doublewide, a modular home, the fact it is a single-family dwelling and will be affixed to a foundation the Board continued with Case 2016 to grant a variance under 207.1.

Chairman Nelson explained to Mr. Hoppock the procedure the ZBA usually took to answer the questions. In ten years, it has been done a couple of ways. Currently, when the Board gets to the variance questions in Deliberation, they make a motion on all five criteria and vote on each one individually (at this time he is Chair and secretary).

Chairman Nelson stated the applicant had explained his request. He asked if there were questions from the public. There being none, 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.

Chairman Nelson made a motion *to go into Deliberations*. It was seconded by Ms. Knapp. ***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. Meyers made a motion that: ***Granting the Variance would not be contrary to the public interest because the spirit of the ordinance would be observed because the house is a modern home: looks like a modern home, acts like a modern home and will look good on the property.*** It was seconded by Mr. Stanton. 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 it will keep the nature of the Rural Zoning District.*** It was seconded by Ms. Knapp. There was no discussion. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Mr. Meyers made a motion that: ***Granting the Variance would do substantial justice as it provides residential application for the home for people to live on and look good. It will also fit in with the character of the neighborhood.*** It was seconded by Mr. Kessler. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Mr. Meyers made a motion that: ***For the following reasons the values of the surrounding properties would not be diminished because the home will be on a permanent foundation, it is a modern home and it will blend in with the neighborhood.*** It was seconded by Mr. Stanton. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Mr. Stanton stated that technically financial hardship is not supposed to be a reason to make (ZBA) decisions. He wanted to know more about what hardship is present on this site. Chairman Nelson stated that in the 1980s Simplex versus Portsmouth established financial hardship. They had been given copies of the case; he requested that Mr. Hoppock find it (in admin computer) for the ZBA members. Mr. Hoppock said he could tell the Board a bit from memory (previously worked as lawyer). He stated financial hardship is not generally relevant to hardship unless it prohibits the applicant's reasonable use of the land. In further discussion, Chairman Nelson said if Mr. Hoppock had a more efficient way to document variance or special exception questions; to let them know. Mr. Hoppock replied that their current process was fine; it made a good record. Returning to the Board, Mr. Stanton said he needed to have more information as to the hardship. With the Chair's permission, he asked the applicant for his hardship. Mr. Dube, Jr. said he couldn't use the property any other way. Building a stick home with the current construction costs was financially infeasible (they were a family of 5).

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 proposed dwelling will meet all current building codes and will be indistinguishable from other homes in the area.***

And:

The proposed use is a reasonable one because: it allows the property owner to maximize the use of their property. It was seconded by Mr. Meyers. Chairman Nelson called for a vote. ***The motion passed 4-0-1 (Stanton abstained).***

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 #2016 as presented.*** It was seconded by Ms. Knapp. The recording secretary asked for clarification if the motion was: ***to grant a Variance for Case #2016.*** Or ***to grant a Variance for Case #2016 as presented.*** Chairman Nelson confirmed: ***to grant a Variance for Case #2016 as presented.*** ***The motion passed 4-0-1 (Stanton abstained).***

Ms. Knapp requested that the minutes reflect that she liked the notes and administrative review by Mr. Hoppock. They gave the Board his thoughts and expertise; she appreciated them.

Mr. Hoppock informed Chairman Nelson the Special Exception form and Notice of Decision forms were in his (red) folder. Chairman Nelson thanked Mr. Hoppock. When asked, the Board told Mr. Hoppock they would like the Special Exception form (with Standards A-C) in their folders as well. They helped them formulate their motions.

Case #2017: Mitchell Feeney (Owner): Requests a Special Exception from the terms of Article II Section 603 of the Zoning Ordinance to permit the reasonable expansion of a non-conforming building on property located at 279 Reeds Mill Road more particularly identified as Map 214, Lot 017 in the Rural (R) Zoning District.

Chairman Nelson acknowledged Mr. Mitchell Feeney and asked him to tell the Board his proposal. Mr. Feeney addressed the ZBA and stated the property was oddly shaped. It was .25 acres in length; in places 4 feet wide, others up to 95 ft wide. An old cider mill is on the property. He gave the history of the mill; first under the Reed family ownership and then his family's beginning in 1970 when his grandfather had purchased it. Mr. Feeney had purchased the property in 2008 (it had been family property where he had grown up). He would like to continue its use as a residence.

Chairman Nelson asked for clarification: if it had been a residence. Mr. Feeney confirmed it had; his grandfather had lived there. Mr. Feeney continued, stating the building was in poor condition. He wanted to construct a small house with septic. It is 12 feet from the road and 12 feet from Long Pond Brook. There was a grandfathered footprint which made building on the land doable. His understanding of the ordinance is that he can build in the original footprint. He preferred turning the proposed building sideways and lengthen it. It would be slightly longer but farther from the brook and from the road.

Questions:

Chairman Nelson asked Mr. Hoppock (former lawyer): can Mr. Feeney tear down the structure and start over? Mr. Hoppock said the ordinance allows for a nonconforming use. It doesn't say anything about needing to be on the same foundation.

There was a brief discussion on the wording of the ordinances and the concept of the grandfather clause (whether at least part of the original foundation had to be used in rebuilding).

Mr. Feeney said that part of the foundation was on ledge. Chairman Nelson stated it was his understanding that part of the foundation needed to be used. When acknowledged, Mr. McCoy stated he had seen the building; it was a stone foundation on ledge.

Chairman Nelson then asked about an approved septic system on the property. Mr. Feeney explained it was pending. Mr. Tom Dombrowski was working on it with the state.

The state has asked for additional information a few times.

Mr. Feeney said his proposal was to use the upstream side and relocate the driveway a bit. He referred the Board members to the maps in their packets.

Mr. Feeney went over the three questions for a special exception. He believed it met Standards A-C. Movement of the driveway will improve road safety.

Chairman Nelson asked if there was an abutter who wished to speak. Mr. Glen West stated his family got along well with the applicant. His biggest concern (he dealt with it personally) was that it is a state right of way. He stated that it (land ownership) used to be to the edge of the pavement. Now the state claims land back into the property. Chairman Nelson agreed with Mr. West, but clarified that the state has a Right of Way, not ownership. When asked, Mr. Feeney said it was 12-15 feet from the building to the edge of the (road) pavement. Chairman Nelson said if there were houses on the Reeds Mill Road, they were even closer to the road (than the applicant's proposed one). Mr. Meyer said that his belief is that to use the grandfather clause, Mr. Feeney has to use part of the existing foundation.

Chairman Nelson asked Mr. Hoppock to check to see if an applicant tears down the structure, are they still grandfathered. The Board and Mr. Hoppock discussed the building ordinance as pertained to the past, current and proposed structure. They did not want to unnecessarily put undue burden on Mr. Feeney.

Mr. Stanton made a motion *to go into Deliberations*. It was seconded by Ms. Knapp. ***The motion passed 5-0-0.***

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

Mr. Hoppock made a clarification: the Case was about a non-conforming building, not use. Mr. Kessler explained the ZBA has three criteria the case has to meet, then they vote on the special exception.

Standard B

Mr. Meyers 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, the majority of the houses there. Standard B has been met.*** It was seconded by Mr. Stanton. 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. Mr. Meyers asked to make a note. It all hinges on accepted septic; if septic is not approved, there is no residence. Mr. Hoppock said a building permit will never be issued. ***The motion passed 5-0-0.***

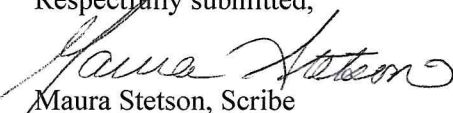
Chairman Nelson asked for a motion to memorialize the Board's decision.

Mr. Kessler made a motion *to approve a Special Exception for Case #2017 as presented with the dwelling to be no closer to the road than it currently is and to use the existing foundation to the best of his ability.* It was seconded by Mr. Stanton. Chairman Nelson called for a vote. ***The motion passed 5-0-0.***

Ms. Knapp asked Mr. Feeney if he will be keeping some of the old boards, etc. He assured her he was.

There being no further business, Ms. Knapp made a motion *to adjourn at 7:27 pm.* It was seconded by Mr. Stanton. ***The motion passed 5-0-0.***

Respectfully submitted,


Maura Stetson, Scribe

Approved on: June 17, 2026