

City of Berlin, NH
Zoning Board of Adjustment
Meeting Minutes
August 24, 2026

Members Present: Dana Hoyt, Scott Losier, David J. Lavallee, Sr., Sarah Mafera, Christian Judson, Nancy Armstrong

Members Excused: Linda Lamirande

Members Absent: None

Others Present: Andre & Deborah Bergeron, applicants, Don Bouchard representative of Verdantas on behalf of Albert & Mary Guay

Others Present at City Hall: Michel Salek, Building Inspector/Zoning Officer; Jennifer Ouellet, Code Enforcement Administrative Clerk/recorder of minutes, Tina Hoyt of 207 Jericho Road, Berlin, NH Paul Guerin of 583 Burgess Street, Berlin, NH, Albert Guay, PO Box 142 Milan, NH, Chris Guay, PO Box 61, Milan, NH, Steve Binette owner of 250 Jericho Road

The meeting was called to order at 6:30 pm by Dana Hoyt.

Roll call was taken

Dana Hoyt – present

Scott Losier-present

Dave J. Lavallee Sr.-present

Sarah Mafera-present

Christian Judson-present

Linda Lamirande-excused

Nancy Armstrong present

Approval of July 27, 2026, Minutes:

Christian Judson made a motion to approve the minutes as presented. The motion was seconded by Scott Losier. A vote was taken by members that were present at the meeting voted in favor. The motion to approve July 27, 2026, minutes passed.

Chair Hoyt read the Zoning Board of Adjustment Rules.

The Building Inspector and/or Zoning Officer is required to follow the strict letter of the Ordinance while the Board of Adjustment is required to follow the intent and spirit of the Ordinance. Our function is to hear both sides, use judgment within the Ordinance, and render a decision in writing, within a reasonable time. The main purpose of the public hearing is to allow property owners and anyone concerned with the case to testify how the proposed variance

(or special exception) will affect them and their property. The reason for these hearings is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against the appeal. While the evidence may be in the form of an opinion rather than an established fact; it should support the grounds which the board must consider when making a determination. During the hearing, all persons wishing to speak will raise their hands, be recognized, give their names, address and interest in the case, then be sworn. If you wish, it is your right to be represented by counsel. Please address all your questions and statements to the Board and not to any individual in this room. In order to give everyone a chance, no one will be allowed to speak a second time until all persons have been given a chance to speak for the first time...and the petitioner will be given the last word. If you feel any member of this board is prejudiced for or against your case, please let me know and if the facts warrant it, they will abstain from participating or voting in your case. I want you to know that although the board is to be impartial, it must abide by the intent and spirit of the ordinance and cannot rewrite the ordinance to please any particular individual.

Case 06-26 Andre & Deborah Bergeron- Variance

Mr. Lavallee Sr. read the request into the record.

Request: Applicant seeks a Variance for 719 Hillside Avenue, Tax Map 121, Lot 96, in the Residential Single-Family Zone requesting a Variance to allow the construction of a 14' x 40' carport in addition to the two existing garages. This request comes under Article II, Section 17-26.2 of the Berlin Zoning Ordinance.

Public Hearing Open for Case 06-26

Andre Bergeron of 719 Hillside Avenue, Berlin, NH 03570 was sworn in to give information on his request for a Variance.

Mr. Bergeron explained that he has a permit for a driveway between house and garage. He wants to put a carport due to his wife having a skin condition which doesn't allow her to be out in direct sunlight. The way the house is situated they get sun most of the day. There is no room at the back of the house due to the roof line being low. Everything on house property is backwards. The garage is the only shade available on property to have cookouts. The proposed carport will be a place for shade coverage and storage for boat. Approval has been given to have the proposed carport paved. Requirements have been met for the right amount of permeability. It will be used for recreation and to keep wife out of the sun due to her vitiligo. Difficult to use garage for cookouts.

Chair Hoyt if there were any questions from the board?

Christian Judson asked if it would be used as a covered patio?

Mr. Bergeron answered yes.

Dave Lavallee Sr. asked if it would be a lean-to off side of garage?

Mr. Bergeron answered that he wouldn't build around the proposed carport.

Chair Hoyt asked if there were any other questions?

Mr. Bergeron commented unfortunately due to layout of house they can't use back yard at the end of day due to full sunlight which his wife cannot be out in. It doesn't bother him due to his job requiring him to be outdoors all day.

Deborah Bergeron of 719 Hillside Avenue, Berlin, NH 03570 was sworn in to give information on her request for a Variance.

Mrs. Bergeron explained since she was nine years old, she has been diagnosed with lack of pigment. She has no protection, sunburns quickly. Sunscreen doesn't work on this condition. When outdoors for a long period of time she must cover herself with a sheet.

Chair Hoyt asked if there was anyone to speak in favor of the applicants.

Jennifer Ouellet read two emails into the record in favor of the applicants.

Dear Members of the Zoning Board of Adjustment;

I am writing as a neighbor and abutter to the Bergeron property at 719 Hillside Avenue in support their application for a variance to install a carport.

I have no objections or discrepancies concerning this application, and I see no reason why Mr. and Mrs. Bergeron should not be granted the requested variance. They take excellent Care of their property, and everything on their premises is well maintained and aesthetically pleasing.

As their neighbor, I would fully support and vote in favor of granting Mr. Bergeron the right to construct the proposed carport. I believe it would be a reasonable improvement to the property and would not negatively affect the surrounding neighborhood.

Sincerely,

Jerry Hamanne
Neighbor/Abutter
704 Hillside Avenue
Berlin, NH 03570
Phone: 603-723-2660

We are the Dumont's at 700 Hillside Ave we have no problem with the carport at the Bergeron's

Chair Hoyt asked if there was anyone in opposition of the applicant. There was none.

Chair Hoyt asked if there were any last words from the petitioner. There was none.

Chair Hoyt summarized the case for the record and asked if anyone disputed the accuracy. No

comments.

Public Hearing Closed at 6:44 pm.

Case 07-26 Verdantas on behalf of Albert & Mary Guay-Special Exception

Mr. Lavallee Sr. read the request into the record.

Request: Applicant seeks a Special Exception for the Rural Residential portion of Tax Map 407, Lot 3.20 off Jericho Road in the Rural Residential Zone to allow the removal of material from a new gravel pit. This request comes under Article V, Section 17-52.18 of the Berlin Zoning Ordinance.

Public Hearing Open for Case 07-26

Don Bouchard of Milan, NH 03588 employee of Verdantas on behalf of Albert & Mary Guay, was sworn in to give information on her request for a Special Exception.

Mr. Bouchard explained that in the winter of 2025-2026 the Guay's received a letter from the City of Berlin stating there was a problem with them not having an excavation number with the AG's office. The Guay's approached Verdantas to help with this process. Survey work was established. RSA 155E state mandated law allows gravel pits in the Rural Zone area. A visit was made to the City Planner, Pamela Laflamme who mentioned the first step was to seek a Special Exception.

Mr. Bouchard went on to state a. the specific site is an appropriate location for such a use:

Yes, there are other commercial entities in the area with similar use

b. property values in the district will not be reduced by such a use;

Reduced property values are not anticipated as there are other similar uses in the area

c. no nuisance or unreasonable hazard shall result;

Operations are limited to normal daytime hours and are buffered from the public

d. no adverse traffic impact will result from such a use;

The lot has a commercial entrance approved by NHDOT

e. adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer, and parking;

The owner applicant agrees.

f. no material adverse impact on the view, light and air of any abutter will result; and (Ord. 8/20/2012)

No adverse impacts are anticipated as the lot is very large and a wooded buffer will be maintained

g. such a use would not be detrimental to the public health, safety, and general welfare.

The site will not be detrimental to the public as the site is in a rural area with buffers to limit access to the site.

He went on to show plans for the 40-acre lot that proposes a 10-year expanded site project with an estimate of 35,000-cubic yards of gravel hauled annually.

Chair Hoyt asked if there were any other questions. There was none.

Chair Hoyt asked if there was anyone to speak in favor of the applicant?

Chris Guay of Milan, NH, son of Albert & Mary Guay was sworn in.

Mr. Guay wanted to reiterate that the pit has been in operation for 20 plus years. It is just a continuation. Verdantes was hired to help with the process.

Chair Hoyt asked if there were any questions from the board?

Andre Bergeron, 719 Hillside Avenue previously sworn in, mentioned that he used to manage the log yard nearby across the road that was owned by Dillon and they were also drilling & crushing rock.

Steve Binnette, owner of 250 Jericho Road, was sworn in.

Mr. Binette stated he was in favor of Albert & Mary Guay continuing the gravel business. He was concerned about the watershed.

Mr. Bouchard mentioned the pit is graded to a low spot in center which drops six feet at all sides of pit.

Chair Hoyt asked if there was anyone else in favor of applicants. There was none.

Chair Hoyt asked if there was anyone in opposition of the applicants. There was none.

Chair Hoyt asked if there were any last words from the petitioner.

Mr. Bouchard reiterated there is nothing new to operation of the gravel pit. The business hours of operation don't impose any nuisance on the public. He thanked the Board.

Chair Hoyt summarized the case for the record and asked if anyone disputed the accuracy. No comments.

Public Hearing Closed at 6:59 pm. Chair Hoyt closed the public hearing at 6:59 pm and advised applicants, Don Bouchard of Verdantas on behalf of Albert & Mary Guay, that a decision would be made that evening and a letter of decision would be sent. He was welcome to wait and be present to hear the Board's deliberations and decision. He was informed that if anyone chose to appeal the decision, the appeal must be filed within thirty days.

Case 06-26 Deliberation

Chair Hoyt read "A Variance will be granted if the following conditions are met:"

- 1) Granting the variance would not be contrary to the public interest because: The lot is larger than average and medical conditions warrant it.
- 2) The spirit of the ordinance would be observed because: The lot size is larger; it is not with the intent for business.
- 3) Granting the variance would do substantial justice because: It helps mitigate a medical issue and no abutters oppose.
- 4) For the following reasons, the values of the surrounding properties would not be diminished: Has no impact on abutters.
- 5) Unnecessary Hardship a: 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: (i) There is a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The lot is larger. The only alternative would be to increase the house size to balance the feet of both.

Findings of Facts:

- 1) Andre Bergeron presented.
- 2) Wants a carport to protect wife from the sun when arriving and departing (wife has skin condition-no direct sun).
- 3) Can't put carport to the rear due to low roof line.
- 4) Will also use it as covered patio.
- 5) Deborah spoke explaining her skin condition.
- 6) Jerry Hamanne sent a letter in favor.
- 7) Michel Dumont sent a letter in favor.

Approve Findings of Facts

Christian Judson made a motion to accept the findings of facts as presented for Variance Case 06-26 and David Lavallee Sr. seconded the motion. The board took a vote and voted unanimously 5-0 in favor of passing the motion.

Case 06-26 Decision

Christian Judson made a motion to grant the Variance in Case 06-26 for 719 Hillside Avenue Map 121, Lot 96, which will allow construction of a 14' x 40' carport in addition to the two existing garages in the Residential Single-Family Zone, per Article II, Section 17-26.2 of the City of Berlin Zoning Ordinance. David Lavallee Sr. seconded the motion. The board took a roll call vote and voted unanimously 5-0 to grant the request.

Case 07-26 Deliberation

Chair Hoyt read “A special exception will be allowed if the following conditions are met:

- a. the specific site is an appropriate location for such a use;
- b. property values in the district will not be reduced by such a use;
- c. no nuisance or unreasonable hazard shall result;
- d. No adverse traffic impact will result from such a use;
- e. adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer, and parking;
- f. no material adverse impact on the view, light and air of any abutter will result: and (Ord. 8/20/2012)
- g. such a use would not be detrimental to the public health, safety, and general welfare.

Chair Hoyt and board members discussed each condition.

Chair Hoyt read in approving a Special Exception, the Board of Adjustment may impose such additional conditions as it finds reasonably necessary to safeguard the neighborhood or otherwise serve the purposes of the Ordinance. Such conditions may include the following:

- a. increased lot area exceeding the minimum lot area required in a particular zone;
- b. increased front, side or rear yard set backs;
- c. height limitations;
- d. parking requirements specific to use and location;
- e. appropriate screening, buffers or planting strips, fences or walls;
- f. modification of the exterior appearance of the structure;
- g. limitation upon the size of any buildings, number of occupants, method and time of operation, or extent of facilities;
- h. relocation of the driveway or change in driveway configuration; and
- i. other conditions attached to specific uses permitted by special exception under the provisions of the Ordinance.

Chair Hoyt asked if there were any other comments from the board. There were none.

Finding of the Facts:

- 1) Don Bouchard presented the case.
- 2) Explained that the city identified them as needing a permit to operate a gravel pit, and that requires a Special Exception.

- 3) He walked through the answers he had prepared to address the Special Exception questionnaire.
- 4) The Special Exception will allow permitting for the gravel pit.
- 5) Buffers are part of the plan.
- 6) Chris Guay spoke in favor.
- 7) Andre Bergeron spoke in favor.
- 8) Steven Binette spoke in favor-questioned the water shed.
- 9) Don Bouchard explained the plans for the water.

Approve Finding of Facts

Dave Lavallee Sr. made a motion to accept the finding of facts as presented for Special Exception Case 07-26 and Christian Judson seconded the motion. The board took a vote and voted unanimously 5-0 in favor of passing the motion.

Case 07-26 Decision

Dave Lavallee Sr. made a motion to grant the Special Exception in Case 07-26 for the Rural Residential portion of Tax Map 407. Lot 3.20 off Jericho Road in the Rural Residential Zone requesting a Special Exception to allow the removal of material from a new gravel pit. This request comes under Article V, Section 17-52.18 of the Berlin Zoning Ordinance. Christian Judson seconded the motion. The board took a vote and voted unanimously 5-0 to grant the request.

Member Comments

Michel Salek asked the board if they would be available to meet on September 28th for a pending Variance meeting.

Other Business

Christian Judson mentioned to the board to attend upcoming Planning board meeting and City Council meeting.

Adjournment

On a motion by David Lavallee Sr, seconded by Christian Judson the meeting was adjourned at 7:29 pm.

Respectfully Submitted,

Jennifer Ouellet,

*Note: Minutes are unofficial until they have been accepted by the Zoning Board of Adjustment by motion.