

**GOFFSTOWN ZONING BOARD OF ADJUSTMENT
MINUTES TO MEETING OF JANUARY 6, 2026**

In attendance were: Chairman Denise Langley, Vice Chairman Jason Cote, Len Stuart - member, John Beliveau - member, Charley Farley – alternate member, Davis Allen – alternate member and Kristen Dawes – alternate member. Also present: Jack Shephard Building Inspector/Zoning Code Enforcement Officer.

Chairman Denise Langley called the meeting to order at 7:00 p.m. She led the Board in the Pledge of Allegiance. He welcomed the public to the meeting of the Goffstown Zoning Board of Adjustment. The Zoning Board of Adjustment is an elected Board of five (5) members and up to five (5) alternates appointed. We currently have five (5) members and four (4) alternates. She explained the procedures the Board would follow for the hearing and the deliberations. She explained that, for any motion to pass, it needs to have an affirmative vote of at least three (3) members. Tonight, we have a four regular members and three alternates. If an applicant is aggrieved by a decision made by the ZBA tonight, they have the right to appeal to the Superior Court or the New Hampshire Housing Appeals Board but must first request a rehearing before this Board to preserve your right to appeal. Rehearing requests must be filed within 30 days of the decision and state all the reasons why the decision was unlawful or unreasonable. Failure to request a rehearing may forfeit your ability to appeal. She asked the Board to introduce themselves.

PUBLIC HEARINGS:

Adam Danis, Owner/Applicant, is seeking two Variances to build an attached garage addition with bedroom above to the side of an existing single-family home, as well as a mudroom addition to the front of the existing home. The Variances are required as the garage addition will be 5 ft. from the side property line whereas a 15 ft. side setback is required, and the mudroom addition will be 21 ft. from the front property line whereas a 25 ft. front setback is required. Both these setbacks are required per Section 4.3 (Table of Dimensional Regulations) of the Goffstown Zoning Ordinance. The property is located at 69 Warren Avenue, (Map16, Lot 224), Zoned: Residential-2.

At this time the Chairman asked if anyone was present from 71 Warren Avenue for this application and no comment was made. The Chairman announced that the abutter was missed being notified and they application will need to be continued to the February Meeting. **Jason Cote motioned to continue to the February Meeting and renotify the abutters of the February Meeting date, seconded by Len Stuart. Vote all in favor, (5-0-0), Motion carries Kristen Dawes was the voting alternate for this application.** The Chairman apologized for missing one of the abutters in the notification process. The applicant stated he understands.

The Chairman stated the Board is changing the February 3rd meeting date due to the deliberative session scheduled that night and most likely be the following week but staff would send out a notification of the date.

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Andrew Cassidy, Owner & Shaughnessy Allard, PLLC; Brett W. Allard, Esq., Applicant are seeking three Variances to allow for multifamily on two abutting lots within the Agricultural Zone. The first Variance being requested is to allow the for the multifamily use whereas it is not permitted per Section 3.11(A)(3) (Table of Principal Uses), of the Goffstown Zoning Ordinance. The second Variance requested is per Section 4.3 (Table of Dimensional Regulations) of the Goffstown Zoning Ordinance as the proposed total number of dwelling units will exceed the maximum allowed number of dwelling units (DU) per buildable acre (0.8). The third Variance is required per Section 5.14 of the Goffstown Zoning Ordinance as the structures will not have the required public sewer system and will be serviced by onsite septic systems. The project proposes constructing 1 two-unit duplex on lot 19 in addition to an existing single-family residence with accessory dwelling unit and constructing 2 two-unit duplexes on lot 19-1, with a shared driveway between the two lots. The properties are located at 40 Henry Bridge Road (Map 26, Lot 19) and vacant lot on Henry Bridge Road (Map 26, Lot 19-1), both Zoned: Agricultural.

At this time Denise Langley recused herself from this application as she has a conflict of interest. Jason Cote Chaired the meeting for this application.

Len Stuart moved that there was no regional impact, seconded by Davis Allen, Vote all in favor (5-0-0), motion carries. Davis Allen and Charlie Farley were the voting alternates.

Presentation was given by Matt Peterson of Keach-Nordstrom Associates and Brett Allard of Shaughnessy Allard, PLLC.

Matt Peterson explained the location of the property and the exhibits that he distributed at the meeting as well as the surrounding area that has some commercial uses nearby. Matt stated that this area is kind of a transitional area between residential and commercial. Matt explained the location of the wetlands and stream on the property and stated that the full survey was done with topography well. Matt Peterson explained that lot 19 had an existing home with an accessory dwelling unit located on it and has 8.85 acres. Lot 19-1 is vacant and has 1.42 acres. Matt Peterson the proposed structures are not within the flood plain and how this wetland area dissects the property. They are proposing to add a duplex to the lot that has the house and accessory dwelling unit. On lot 19-1 they are proposing to add two duplexes. They have town water but need the variance for sewer as they do not have public sewer and would be adding septic systems. Matt Peterson explained they would be adding one driveway access point that splits going across both lots and would access the duplex in the back of lot 19 and the two duplexes on lot 19-1. The driveway would also be used to access the existing home and accessory dwelling unit as they would close off the existing driveway as DPW would prefer one curb cut. Matt explained the parking area that is shown for the duplexes as well. They did do test pits for the septic locations but they have not submitted to the State for the permits yet.

Brett Allard explained most of the variances they are requesting is due to these parcels are located within the agricultural district. Brett explained this really is a transitional when you look at the Mast Road Corridor with abutting commercial uses and the abutting residential uses.

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There are other single-family homes with accessory dwelling units within the area, there are two family homes within the area. There is other commercial/residential mixed uses. There is a daycare. Children's school, auto repair shop, motorsport, and impound lot, a church, car dealer, restaurant and car wash and contactor's yard all in this one area. This is higher density then if you were sitting within the agricultural zone. With that idea in mind that is show we crafted the project and the variance criteria. At this time Brett Allard reviewed the criteria for granting the variances.

1) Granting the Variance would not be contrary to the public interest;

On the intersection of the agricultural, residential-1 district, if you look at the zoning ordinance and the explanation or description of the industrial or the CIFZ Zone it encourages this sort of large scale uses. If you look the R-1 next door, it encourages medium density residential uses. We think this properly characterizes as a medium density residential use that is appropriate for this type of area. It is not situated in the middle of the agricultural zone far removed from significant development and utilities. If you look at the description of the agricultural zone it says you will most likely not have municipal utilities but we are connected to town water for the transitional area we are in and consistent with the area. The public interest is not violated in no essential character to the area.

2) Granting the Variances will be consistent with the spirit of the zoning ordinance;

Really all three of these variance is to minimize overcrowding and congestion in light on the utilities that are available on the parcel. We have plenty of room for these duplexes and related infrastructure. Plenty of room for parking. We are showing 17 spaces and only 8 is required. Each unit will have a one bay garage plus the one spot in the driveway. As well as five-guest parking as well as some significant driveway space beyond that. Plenty of room for parking, the curb cut and septic systems. Since we are connected to municipal water we do not need wells or a 75 ft. well radius. We are close to the Mast Road Corridor. We have the municipal water and where we do have that the septic systems probably wouldn't have worked here otherwise. This really is consistent with the spirit of the ordinance.

3) Granting the Variances would do substantial Justice;

As the Board knows this the balance between public and private rights. There are no injuries to the public if the variances are granted or gains to the public if the variance is denied. The only loss to both parties, the applicant and the public if the variances are denied. Granting the variances would serve the property and make good use of its sort of underutilized portions of the property. We have an upper tier and a lower tier and the brook sort of bisects the property and because of that we have underutilized land that could be more prudently utilized to add another six units to the Town's housing stock. We think that is a benefit to the applicant and the public and therefore the balance of the equities favor granting the variances.

4) The surrounding properties would not be diminished;

We are holding all of our setbacks from the wetlands; we are holding all of our setbacks from the property lines and the setbacks from the road. We are not proposing to build any closer to any abutters than otherwise allowed such a manner that there properties could be

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diminished. Of course, if the variances are granted this so not our last stop and in addition to all the state approvals that will be required, we will have to proceed to the Planning board for site plan approval which will further ensure that the surrounding properties will not be diminished via application of the Town site plan regulations.

5) Unnecessary Hardship;

This property is unique in its environment and has many special conditions. Most of the agricultural zone land in Goffstown is either North of Mast Road or North of the Piscataquog River and in areas where municipal sewer and water are not available. That's a big chunk of agricultural land in town. There is another second pocket of it down South of Mast Road when you get to the Bedford Town line but other than that this is only a very slim of lots that are sandwiched in an area that is North of Mast Road and tied into the municipal water. The combination of that location orientation and the unique impacts of the wetlands on the site and the nearby river, the existing single family and ADU and these are separate lots of record separate held in common ownership if you look at all that it is unique in its environment. Owning those special conditions we don't see a fair and substantial relationship between the purpose and the application of the subject requirements here. Even though multifamily uses are strict and not allowed, I think duplexes are consistent with medium density and mixed-use character of the Mast Road Corridor here. This is suitable for the site due to its location in the transitional zone between industrial and residential-1 and the agricultural zones. We have sufficient area for the buildings and the septic, the driveways the parking and everything works. We have municipal water so we don't need as much land as we would otherwise if we would have to have wells. There wouldn't be any overcrowding or congested development which are the driver of the provisions we are trying to waive. We are only allowed 10% maximum building coverage in the agricultural zone and on lot 19 we are at 2.49% and on lot 19-1 we are at 8.9%. Again, we are providing double the parking that is required by the zoning ordinance. So, we don't think it is too much and we think this strikes a fair balance in what the zoning ordinance intends. We think it is a good proposal on sort of a unique site and feel it is a reasonable request.

Len Stuart asked if there were going to be rental duplexes or subdivided?

Matt Peterson said the goal is to have these all rentals. That is the intent. In 20 years, they could propose to condo it.

Len Stuart stated he doesn't see a hardship because they are asking for more than triple the density allowed in that zone. The property is developable in its current zoning and doesn't see the hardship.

Brett Allard stated that there is special conditions with the property that distinguish it from other properties in the area. Also, you need to look at if there is a fair and substantial reason to strictly apply the zoning ordinance here. Brett Allard referred to a Supreme Court case and stated you need to look at special conditions and explained the way the land is sandwiched in between Mast

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Road and has this much land in the way it is oriented with the brook running through it and also tied to municipal water. This isn't something you will find in the agricultural district and further explained the medium density and what distinguishes it from other areas in the area. Applying the density requirements is to ensure there isn't going to be overcrowding and congested development, too much in too little of a space. Brett Allard continued to explain the uniqueness of the property and the layout of the proposed project that would fit in the property.

Len Stuart stated there is only one area that is Residential-1, kind of spot zoning because the rest of the area is either CIFZ or Agricultural.

Matt Peterson explained how some of the lots were rezoned in that area to CIFZ and they are looking to do something similar.

Len Stuart stated it is similar to spot zoning.

Matt Peterson reviewed the homes they are proposing that fit in this area of Town.

Jason Cote asked where the parking would go for the existing home that has the driveway that they are eliminating and Matt Peterson explained probably near those designated 5 parking space are and somewhere along the house.

Charlie Farley asked if the property can be used in strict conformance with the ordinance.

Matt Peterson stated yes but for what they are asking for needs variances. They could put a single family on the vacant lot but they thought it made more sense to proposed duplexes.

Kristen Dawes asked about the total coverage on the lot calculation.

Matt Peterson explained they did the total building coverage and the total impervious surface coverage. Matt stated he did not do the total buildable area calculation. Matt Peterson read note #5 notwithstanding maximum density; a two family is allowed if the lot has both 3 acres and 300 ft. of frontage and technically lot 19 has that. We could tear down the house and build a duplex.

Brett Allard review a Supreme Court case where it was found the strict use of the zoning being applied to a property was found to be too restrictive for applying a hardship and how the other factors need to be reviewed and the uniqueness of the property that qualifies for the hardship.

At this time Jason Cote asked if there was anyone present who would like to speak in regard to the hearing.

Mike Boisvert of 51 Henry Bridge Road stated he isn't opposed to building something there. He is opposed to them building apartment units there. Mike stated if they want to build a house there then he supports that but he doesn't think it will be a great value to his property with what

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they are proposing and continued to explain the concerns of how this proposal for apartments will impact his property and he is opposed to the apartments.

Len Stuart stated you are opposed to the proposed density and Mike Boisvet stated yes. He is opposed to this project.

Donald Duval of Duval's Towing Service stated he is directly across the street from this project. He has the impoundment lot. We are a 24/7 operation. This should be considered as there is a lot of activity over there, sometimes all night long. He doesn't support the rental properties but is fine with a single-family home. Don Duval stated the traffic on Henry Bridge Road should be considered. Don Duval stressed concerns with the apartments and if they have children with the amount of traffic on Henry Bridge Road. Donald Duval stressed a concern with the traffic within the area and the impact of this proposal.

Wayne Sapurka of 68 Henry Bridge Road stated it is in the agricultural district and he doesn't think this should be allowed as planned. Wayne stated the surveyors are taking some of his land and explained the location where they are taking 75 ft. of his property and disagrees with the survey.

Jason Cote asked if there was anyone else who would like to speak.

Len Stuart stated you are asking us to consider these two lots as one project. What you are proposing to do is essentially a private road access and it is more than a driveway right down the middle of the property line. Is there going to be some sort of deed restrictions or easements in the event one of the properties is subdivided or one of the parties sells.

Brett Allard stated that they would be held in common ownership. In the event that there was severance of ownership there would be cross access easements that would arise for the common area of the driveway that would be dealt with at the Planning Board level. That could be a condition of the Planning Board approval.

Matt Peterson stated similar to what happen at Sparkle Court with the Car Wash. Matt stated that he wasn't aware that the activity across the street was 24/7, which would put a hardship on us if it were to be used as a single-family. Matt reviewed the laws have changed with ADUs. Matt explained the layout of the duplexes and stated they worked with what they thought would be built there.

Jason Cote stated that they would be two units 26-19 and four units on 26-19-1. There is an existing house with an ADU also on 26-19. This would make it eight total units. At this time Jason Cote closed the public hearing.

Deliberations:

Board discussed the application and the existing home with the ADU and the proposed duplexes.

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Board discussed 17 cars roughly coming in and out of that driveway on Henry Bridge Road.

Len Stuart stated that the traffic is a Planning Board issue and is also a density issue. Len stated they are proposing 6 dwelling units along with the existing is definitely increasing the density. The calculation is for one dwelling unit on a lot and they are asking for triple.

At this time Charlie Farley read the RSA 674:16, relating to density, the ZBA shall be designed to regulate and restrict the density population. That is in the RSA. 674:17 states the Zoning Board shall be designed to prevent overcrowding land to avoid undue concentration of population and in part to encourage the preservation of agricultural lands. I don't see where we are not meeting that requirement. We don't have the authority to amend the zoning ordinance or the zoning map. Even if this was in R-1, I don't think it would allow this density.

The Board continued to discuss the proposed density on the two lots within the Agricultural Zone. The Board reviewed the density allowed in the Residential-1 Zone. Board discussed they think the density is too much in too small of an area. The Board discussed this doesn't meet the public interest, the spirit of the ordinance and there is no hardship.

Attorney Brett Allard requested a point of order. At this time, he stated it is clear that there are some concerns and asked for a continuance or we could withdraw. At this time Attorney Brett Allard withdrew the application.

At this time Len Stuart motioned to accept the withdrawal of the application, seconded by John Beliveau. Vote all in favor, (5-0-0), motion carries. Davis Allen and Charlie Farley were the voting alternates.

Brendan & Amanda Fournier, Owners/Applicants, are seeking a Variance to allow for the construction of an accessory dwelling unit in the basement of the existing home on a lot that only has 1 acre whereas 2 acres are required per Section 4.3 (Table of Dimensional Regulations) and Section 5.2.7 of the Goffstown Zoning Ordinance. The property is located at 25 Locust Hill Road (Map 5, Lot 31), Zoned: Agricultural.

At this time Denise Langley assumed the position as Chairman and came back to the Board.

Len Stuart motioned that there was no regional impact, seconded by John Beliveau. Vote all in favor, motion carries. Kristen was the voting alternate.

Presentation was given by Brendan & Amanda Fournier.

Amanda Fournier explained that they want to build the ADU in the basement of their home for their grandfather whose health is declining who use to reside in Goffstown.

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Brendan Fournier explained currently their grandfather lives in an apartment building in Manchester and the difficulty he has living there with stairs or icy sidewalks as well as an elevator that keeps breaking down. They are looking to add it to the basement of their home so they are not expanding the home in any way. They have had septic plans done that have been approved by the state. They have public water as well. They are trying to do the ADU rather than just a bedroom so he doesn't have to upstairs and downstairs and still have a full kitchen to cook in that location and be as independent as he can.

At this time Brendan Fournier reviewed the criteria for granting the variance. This would not be contrary to the public interest as ADU are allowed and there will be no changes to the footprint of the building, it will all be in the existing footprint of the basement. Parking is adequate as we have redone the driveway last year and added parking. We have minimum of 8 spaces available. ADU's haven't been shown to reduce the surrounding property values. The spirit of the zoning ordinance is observed. The variance supports the goals of prompting safe and family-oriented house and is consistent with the master plan. This allows multigenerational living and allows age in place. No impacts to the neighborhood. The internal ADU ensures no changes to the home's exterior or neighborhood infrastructure including septic and parking and meets the Town standards. This allows an elderly family member to reside with family and the septic has been reviewed and approved. Promotes housing flexibility and allows aging in place.

Brendan Fournier stated again, the spirit of the zoning ordinance is observed because the ADU meets the ordinances safety and goals and services as well as parking. The ADU is compatible to the neighborhood. Adequate parking and an approve septic design has been done. The unit will be owner-occupied. Granting the variance would do substantial justice because denial would prevent the homeowner from providing necessary housing to an elder family member who requires support. Granting the variance creates no harm to the public or the neighborhood but provides significant benefit to the applicant and family. The surrounding property values would not be diminished as the ADU is entirely within the existing basement and no changes to the structure or footprint or visual appearance to the home. Adequate parking is provided and no commercial or intensive use will occur. Denial of the variance would result in an unnecessary hardship as the lot size is the only thing nonconforming element. All the functional requirements for the ADU are met with parking, septic and within the existing footprint. The use is reasonable because it provides safe family supported housing for an elderly relative without altering the property or neighborhood. Brendan Fournier continued to review the criteria to support granting the variance and there is no negative public impact and no burden on the public services.

The Board discussed the changes to the ADU's that will be voted on at Town Meeting in March.

Len Stuart stated the applicant did a good job addressing the criteria.

Denise Langley stated the same especially where the septic design has already been done.

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At this time Chairman Denise Langley asked if anyone was present who would like to speak in regard to this hearing and no comment was made. Denise Langley closed the public hearing. The Board had no questions.

Deliberations:

Len Stuart reviewed that the application meets all the criteria for granting the Variance and reviewed each criteria. **Len Stuart motioned to approve the Variance as requested finding that it meets all the criteria. Seconded by Jason Cote. Vote all in favor, (5-0-0), motion carries. Kristen Dawes was the voting alternate.**

Bedford Design Consultants, Inc., Applicant and John A. Brown, Owner, are seeking a Variance to subdivide the property into two lots and allow two existing accessory structures to be located within the inner 50' of the 100' Wetlands Surface Water Conservation District Buffer, per Section 13.3.3.5 of the Goffstown Zoning Ordinance. The Variance is required to subdivide the property; the property must conform to the current zoning and subdivision requirements. The property is located at 567 Mountain Road, (Map 1, Lot 47), Zoned: Conservation & Open Space (CO).

Jason Cote motioned that there was no regional impact, seconded by John Beliveau. Vote all in favor, (5-0-0), motion carries. Charlie Farley was the voting alternate member.

Presentation was given by Bob Baskerville of Bedford Design.

Bob Baskerville reviewed the property which is located on Mountain Road and 11.8 acres that they wish to subdivide into two lots. One will be 6.5 acres and one will be 5.3 acres. The proposed subdivision meets all the setback requirements, lot size, etc. No other issues and no other impacts to the wetlands. They need the Variance because the way the ordinance is written and you look at the existing structures, the carport kind of structure for one car and the sugar shack is 30' X 35', that we are located within the inner 50' of the wetlands buffer. We are not proposing any changes but the way the staff has looked at this is as the way the ordinance is written today, is if the Planning Board approves this and we record this, it creates the new setback requirements from the wetlands on the lot because of the subdivision. It's existing nonconforming but staff stated we had to take this route. There is no changes and no modifications. Just a new lot with a driveway and plenty of room to build. We went to the Conservation Commission and they had no issues or concerns and that is in your staff comments. We have submitted to the Planning Board but have not gone to them yet.

At this time Bob Baskerville reviewed the criteria for granting the variance. Granting the Variance is not contrary to the public interest as there are no changes or alterations proposed and the structures have been there for many years. The spirit of the zoning ordinance is observed as they are accessory structures to a single-family home in a residential district. They are in the interior of the lot and not within any property line setbacks. It would do substantial justice by allowing the homeowner to keep the existing structures with no change to the abutters

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or general public. The values of surrounding properties would not be diminished as the structures are small and not near the property lines. No changes are proposed on the subdivision plans. An unnecessary hardship is the sugar shack has been in the current location for many years and is not in conflict to the zoning ordinance. Once the subdivision is recorded, the zoning on these existing structures change for the wetland setbacks, but there are no change or expansion of the structures is proposed. This is a reasonable use for the accessory structures that have been there for many years. The special condition here is the structures existing today and there are not proposed changes on the subdivision plan to the existing structures.

Denise Langley asked if the variance is needed for just those two structures that have been there for a long time because the lot lines are changing by the subdivision and they are not required to meet the setback from the wetlands.

Bob Baskerville stated yes.

No questions from the Board.

At this time Chairman Denise Langley asked if anyone was present to speak and no comment was made. The Chairman closed the public hearing.

Deliberations:

The Board reviewed the criteria.

Charlie Farley stated that the grandfathering of the existing structures is not contrary to the public interest and meets the spirit of the zoning ordinance. Keeping the structures in place serves as substantial justice, is it not detriment to anyone else and doesn't affect the values of other properties. Moving the structures and conceivably losing them there is no fair relationship between that loss and the purpose of the zoning ordinance.

John Beliveau motioned to approved finding that this request meets the criteria for granting the Variance. Motion was seconded by Len Stuart. Vote all in favor, (5-0-0), Charlie Farley was the voting alternate.

Allard, John R. & Etal and Allard Revocable Trust, Owners/Applicant, are seeing an Appeal from an Administrative Decision that a Special Exception is required to build a single-family home on an existing non-conforming lot that does not have road frontage on a Class V roadway per Section 14.7.3 (Use of a non-conforming lot) of the Goffstown Zoning Ordinance. The applicant is also seeking a Special Exception to build a single-family home on an existing lot that does not have road frontage on a Town maintained Class V Roadway. This concerns Section 14.7.3 and Section 14.5 of the Goffstown Zoning Ordinance. The property is located at 36 Allard Park Drive, a private road, (Map 6, Lot 4), Zoned: Residential-1.

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Jason Cote moved that there was no regional impact, seconded by John Beliveau. Vote all in favor , (5-0-0), motion carries. Davis Allen was the Voting Alternate Member.

Presentation was given by Doug MacGuire of the Dubai Group.

Doug MacGuire stated they appealed the administrative decision of staff's determination that the special exception is required. They do think they meet the special exception and addressed that as well but stated the administrative decision should be addressed first.

The Board agreed to address the administrative appeal first.

Doug MacGuire distributed copies of the plan to the Board.

Doug MacGuire explained the location of the property off of Allard Park Road. The property is a pre-existing non-conforming grandfathered lot that was created prior to the zoning ordinance. Allard Park Road does have access off of Goffstown Back Road but Allard Park Road is a private maintained road. It is not Town maintained. There are two existing single-family homes off of Allard Park Road. Sarette Road goes off of Allard Park Road and goes down by the water. Sarette Road is also a private maintained road. We are here for the Allard's who own the property and wish to build a single-family home for their daughter who would like to be near the family. Doug MacGuire explained that they talked to staff and staff determined because they did not have frontage on a Class V Road they would need the special exception, per Section 14.7.3. Doug MacGuire stated he thinks it is clear that use of a nonconforming lot, except as may otherwise be allowed in accordance with Section 14.5, Grandfather Clause. A non-conforming lot may be developed for any use permitted within the district in which it is located. The existing lot is only non-conforming in frontage on a Class V Road. This lot may continue to be used in its non-conforming condition per Section 14.5. The requirement for a special exception is only necessary for use of non-conforming lots not otherwise allowed by Section 14.5. We are not changing the property or altering the lot in anyway like the last applicant changed the lot lines so they lost their grandfather clause. We are just building a home on the lot which is permitted in the Residential-1 Zone. This is an allowed use in this zone. So, we do not feel the special exception is required. It is lumping the use, structure or the lot. It is utilizing the lot. If this lot is existing non-conforming then we should be allowed to utilize the lot for a single-family without going through the requirements for a special exception in 14.7.3 and read the section. Doug MacGuire continued to review this lot is grandfathered and the administrative appeal.

Jason Cote stated that the special exception is required and when you read Sections 14.5 and 14.7.3 and read it together, it is required.

Doug MacGuire stated he reviews it is you have to get the special exception unless you fall under the grandfather clause. He didn't read it to where it points to a special exception where it falls under the grandfather clause.

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Len Stuart stated under the grandfather clause Section 14.5, it states any alteration or expansion of such non-conforming use, structure or lot shall never less be subject to all the provisions of this ordinance subsequent amendment hereto. Len stated it is his opinion that this does need a special exception.

Doug MacGuire stated the use is not nonconforming, the use is permitted. This is a nonconforming lot by not having frontage. If we had the frontage we could do this. It is the lot that is grandfathered not the use.

Board continued to discuss the grandfathered clause. Charle Farley stated how does this removing the ballfield and building a house on it not an alteration, that then changes this and them breaks the grandfather clause.

Doug MacGuire stated maybe he is interpreting this wrong so the use is not what is grandfathered. Right now, it is a ballfield and we are asking to put a house there and it is allowed in the R-1 Zone. We aren't asking for relief of the use. The lot shape is what is grandfathered in his opinion. The lack of frontage on a class V road is what is grandfathered. We are not altering that piece. We are not changing the lot configuration. We are allowed to have a home in that R-1 zone. Going from a ballfield to a home is a more conforming use.

At this time Charlie Farley read the section from the appeals under Section 674 that has to do with the erection of buildings on streets.

Board continued to discuss. Denise Langley stated she views it as grandfathered.

Doug MacGuire continued to review his interpretation as the grandfather clause applies to the lot and this is allowed. He is unsure if the ballfield use is conforming in that zone but a home it.

Denise Langley asked if there was anyone present who would like to speak in regard to the hearing and no comment was made. Denise Langley closed the hearing on this portion of the application.

John Beliveau stated he believes it is grandfathered.

Len Stuart stated he disagrees as the language is specific and it is not just the lot, it is use, structure or lot and believes it needs a special exception. They are proposing to remove the ballfield and structures and build something on it that constitutes an alteration that requires a special exception.

Jason Cote stated the word is or, so if lot or use, any one of those cases is true, and he agrees with Len because one of those things is being affected and would have to make a judgement on whether a special exception would be granted or not.

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Kristen Dawes stated 14.7.3 is what we look to for when we look at a lot that is nonconforming for the use and structures, but this is specifically looking at the lot. Kristen Dawes stated she leans towards the special exception is required and make sure it has the necessary approval.

Charley Farley stated he believes we should just move on to the special exception and get on with it.

Davis Allen stated he agreed with Jason that any alteration or expansion would lose the grandfather clause. If the ballfield was nonconforming and changing to the home is changing the use of the grandfathered lot. Davis Allen stated there are one or two ways this breaks the grandfather clause that would require the special exception.

Denise Langley stated she leans towards the grandfather clause.

Deliberations on Appeal:

Len Stuart moved to uphold the administrative decision requiring a special exception, seconded by Jason Cote. Vote taken: three in favor with two opposed (3-2-0), motion carries. Davis Allen was the voting alternate.

Special Exception:

Doug MacGuire reviewed the request for the special exception and reviewed the criteria. Doug reviewed the request is to add a single-family home and changing the use from ballfield to a single-family home will result and the reduction of traffic. The single-family home use is an appropriate use. There are other homes in the area and is in the character of the neighborhood. This use will not create a nuisance or a hazard by reducing traffic and pedestrians going from a ballfield to a single-family home. The lot is the appropriate location and size and appropriate facilities for operation of the use as the lot is 4 acres and only 1 acre is required in the R-1 Zone. There is adequate space to properly situate a single-family home and supporting infrastructure. The proposed location is sufficient size to allow appropriate buffers of the use of the adjacent properties as this lot is four times larger than required to build a single-family home and is the same use as the existing adjacent properties and will meet all the setback requirements.

Davis Allen asked how long the ballfield has been out of use and Doug MacGuire stated it has been a couple of years since the ballfield was used.

Jason Cote asked how the land became used as a ballfield.

Doug MacGuire stated it was his understanding that some of the schools approached the owner and had an agreement to use the land as a ballfield. There is no contract and the owner did give them a heads up that they were looking to do this. This was all maintained by the owner. The town did not maintain this.

**GOFFSTOWN ZONING BOARD OF ADJUSTMENT
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The Board discussed the road not being town maintained and is maintained by all the properties that live there.

Doug MacGuire stated there is no legal agreement but they could do that moving forward for the road being privately maintained.

Len Stuart stated that they may be required to record a waiver of municipal liability.

Doug MacGuire stated that the next step would be to get the building permit from the Select Board and a waiver of municipal liability which would be required for any class VI road.

Denise Langley asked if anyone would want to speak in regard to this hearing and no comment was made. Denise Langley closed the public hearing.

Jason Cote stated that we should make sure that road maintenance agreement is in place if approved the special exception.

Board discussed that there were other owners on the street that would have to agree. Denise Langley stated that is a Select Board issue and felt the Board shouldn't put this on one lot.

Len Stuart stated we just want to make sure there is public safety access and if they waive it, that is fine.

Charlie Farley stated waiving the municipal liability is the issue.

Jack Shephard stated the homes are all year-round homes.

Board continued to discuss the maintenance of the road and how Sarette Road is also a private road and connects to Allard Park Road.

Doug MacGuire stated they would do the waiver of municipal liability which would cover the issue with the Town.

Denise Langley stated the Select Board would require that as well.

Len Stuart stated that the Riverview Park Roadside comes into this area as well.

Board continued to discuss the concern with the road maintenance. Board discussed whether it was a class V or class VI road. Board discussed the Select Board would require the waiver of municipal liability be recorded. If this becomes a public road it would be reviewed by another Board.

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Deliberations on Special Exception:

Len Stuart moved to approve the special exception as it meets all the criteria as presented, seconded by Jason Cote. Vote all in favor, (5-0-0), motion carries. Davis Allen was the voting alternate.

APPROVAL OF MINUTES—ZBA Meeting of November 4, 2026:

Jason Cote motioned to approve the Minutes of, seconded by John Beliveau. Vote all in favor, (5-0-0), motion carries. Kristen Dawes was the voting alternate.

Schedule:

Denise Langley stated all Board members need to come in here open minded and not predetermined that you are going to approve or not approve an application. The Board needs to keep an open mind and listen to the applicant presentation and the abutters' comments.

Board Agreed to change the February 3rd meeting to February 10th. Have staff conform the room is available. If not then Wednesday the 11th.

Correspondence:

- 1) There were comments submitted to staff by Bruce Buttrick on the all applications before the Board for tonight's meeting. The Board did not review and staff did not distribute.

ADJOURNMENT:

At 9:09 p.m., Jason Cote made a motion to adjourn the meeting, seconded by John Beliveau. Vote all in favor (5-0-0), the meeting adjourned. Charley Farley was the Voting Alternate.

Respectfully submitted,

Patricia Gale, Planning & Zoning Assistant

These minutes are subject to approval by the ZBA.