

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
April 13, 2026**

DATE APPROVED: 9/14/26

TIME: 6:00 p.m. –6:40 p.m.

CHAIRPERSON: Chairman Larry Baker

VICE CHAIRPERSON: Keith Cobbett

MEMBERS: Shawn Kelley, Michael Schamel, Frank Malinoski

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: None

EXCUSED: None

Public Present: Patty Sweeney, Charlotte Matherly, Alex Mellen, Jennifer Schamel

CALL TO ORDER:

Chairman Larry Baker called the meeting to order.at 6:00 pm. All members were present.

Pledge of Allegiance

Election of Officers

Chairman- Keith Cobbett made a motion to elect Larry Baker as Chairman. Shawn Kelley seconded the motion. The motion carried unanimously.

Vice Chairman-Larry Baker nominated Keith Cobbett to be Vice Chairman. Frank Malinoski seconded the motion. The motion carried unanimously.

Minutes

December 8, 2025

Keith Cobbett made a motion to approve the minutes. Larry Baker seconded the motion. The motion carried unanimously.

Public Hearing

Variance

24 Center Road
Alex Mellen

Chairman Larry Baker said the Board had received a letter from an abutter requesting that the meeting be continued. He said the only thing in the letter that he wanted to discuss was whether there was proper notice for the hearing.

Robyn Payson said that the meeting had been noticed correctly.

Chairman Larry Baker asked if the Board wanted to address the letter.

Mike Schamel said the abutter might have a claim.

Chairman Larry Baker said the abutter always has the right to appeal the approval if he thought something was not done procedurally correct.

Frank Malinoski asked if the abutters were notified.

Robyn Payson said yes and the approval was subject to the applicant obtaining the variance. She also said there was a “glitch” where one of the abutters did not get their notice in the mail because the applicant had put down the street address instead of the PO Box but she e-mailed him the notice to make sure he was notified. The abutters were all notified legally.

Chairman Larry Baker made a short statement:

The matter before us tonight is a variance application requesting approval for a Retail Use within the Residential Zone. As with all variance requests the Board’s responsibility is to evaluate the application against the specific criteria set forth in our zoning ordinance and state law. While the proposed retail use in this case is for a gun shop the nature of the business its self is not a factor we are permitted to consider in our decision. Under NH RSA 159:26 the Regulation of Firearms Ammunition and Knives is largely pre-empted by the state limiting the authority of local boards such as ours to regulate this type of business. Therefore, our focus must remain strictly on zoning consideration and the variance criteria. We also want to ensure that everybody has the opportunity to be heard in a fair and orderly manner. Each resident that wishes to speak will be allowed up to five minutes. We ask that you keep your comments focused and respectful. Finally, all comments and questions from the public should be directed at the Board. The Board will in turn ask the applicant the questions necessary to clarify for the record. Thank you. With that we will get into the public hearing and just as a brief order of operations, the way we will proceed

Robyn Payson said that the Planning Board had approved the Home Business for a “by appointment” retail establishment on March 18, 2026.

Alex Mellen presented his application for an appointment only gun shop in his basement. Per state law, only the issue of a retail establishment is allowed to be considered. The Town cannot allow the fact that it will be a gun store into their consideration of this application.

Chairman Larry Baker asked if Mr. Mellen planned on putting any signage out.

Mr. Mellen said he wasn’t and there would be no change to the exterior of the house.

A. Granting the proposed Variance will not be contrary to the public interest because:

Mr. Mellen said it will not disrupt the character of the neighborhood.

Keith Cobbet said it is a no signage store, so public interest doesn't get involved at that point.

Chairman Larry Baker said we are only considering retail in a residential zone.

Chairman Larry Baker asked if the Board had any questions or comments. They had none.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

Mr. Mellen said there will be no adverse impact on the town. It will not affect neighboring property values. Home businesses are encouraged and supported by the Master Plan and the Zoning Ordinance.

Frank Malinoski said he didn't know how it would affect property values. He said he didn't know if it would or it wouldn't.

Chairman Larry Baker said in the spirit of the Hillsborough Zoning Ordinance, it does fall into the Master Plan area and encouraging home-based businesses.

Chairman Larry Baker asked if the Board had any questions or comments. They had none.

C. Granting the proposed Variance will do substantial justice because:

Mr. Mellen said it ensures reasonable use of the property and does not harm the public interest.

Chairman Larry Baker asked if the Board had any questions or comments, they had none.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Mr. Mellen said his next-door neighbor has a long-time running home business. There will be no visible changes to the property. The business will generate minimal traffic.

Frank Malinoski said he appreciated the information about the neighbor.

Chairman Larry Baker asked if the Board had any questions or comments, they had none.

E. Literal enforcement of the provisions of the ordinance will result in an "unnecessary hardship" because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Mr. Mellen said there is no option available that suits his needs and that is affordable locally.

Chairman Larry Baker said that he believed it met the criteria because of the zoning. Because it is a home-based business in the Residential zone it creates the issue to begin with.

Michael Schamel said this is similar to the last hearing we had. It says it is due to the special conditions of the property. The last person was looking to open up a manicure or hair stylist

business. It wasn't necessarily the property that was odd or different, but it was more on the individual than the property. He said he understood that the special conditions of the property is that the property taxes are crazy and expenses in general are nuts, but what are the special conditions of the property compared to? Other properties in the town or other properties in the state?

Chairman Larry Baker said he could understand what he is saying.

Michael Schamel said if the special conditions of the property could be because it is expensive.

Shaun Kelley said he agrees with Michael Schamel.

Chairman Larry Baker said if the majority of the Board thinks that E1 isn't established, then we can move to E2. He said Mike and Shawn were of the no opinion.

Shawn Kelley said it is not special to his property. He agreed it was a hardship but not special to his property.

Chairman Larry Baker said this would be the same for any home business in the Residential zone.

Frank Malinoski said home business is very abstract but with the precedent that the next door neighbor has in whatever way that was approved, if it was on E1 how can we deny this one.

Chairman Larry Baker said they were taking into account that there was another home based business in the Residential zone. Without pulling that file we wouldn't know if E1 was established or not.

Frank Malinoski said it is a special condition because there is a home based business next door and the applicant doesn't have one.

Chairman Larry Baker said the proposed use is reasonable because of this. He said at this point, Mike and Shawn are a no as far as E1 being established and Larry, Keith, and Frank are a yes so E1 has been established.

Chairman Larry Baker said he would be opening the hearing up to the public and people would be timed for 5 minutes to speak. He said the Board would not be addressing anything about it being a gun shop. They would only be addressing a retail use in the Residential Zone. They can make any comments they want but the Board is only going to take consideration of the comments that address a retail use in the Residential zone.

Jennifer Schamel asked the Board if they have taken any of the Site Plan Regulations into account. She named specifically 229-86 Home Business. Issues included hazardous waste, testing the product on the property and that the character of the area was 700ft away from the school.

Robyn Payson said all of those issues were addressed by the Planning Board when he had his home business hearing. The Planning Board was satisfied that he had met those criteria. As far as input on hazardous waste, every application is circulated to the department heads so the fire chief got to see the application. She said she did not get any comments back from him so we have to assume that he had no comments. As far as the 1000 feet, our attorney advised us that

only applied to “drug free” zones. These were Planning Board questions that the Planning Board has already been addressed with the approval.

Jennifer Schamel said in her reading for New Hampshire that it’s more enhanced safety measures, it’s not just drug free, it is also speed limit and other things for consideration of that area.

Robyn Payson said the Zoning Board is not going to answer Planning Board questions.

Jennifer Schamel asked if the Zoning Board checks if those questions have been asked and answered.

Chairman Larry Baker said our Planning Director has just confirmed that for us.

Alex Mellen said there won’t be any testing or shooting at the house.

Chairman Larry Baker said there are already regulations around how close to the roadway you can discharge a firearm. That would not be a problem because he would be violating other statutes.

Chairman Larry Baker closed the public hearing and moved into deliberations.

Keith Cobbett asked if the Board was going to address the letter insofar the request the hearing be continued.

Chairman Larry Baker said that the only bullet point in that letter that he wanted to address was ensuring all abutters were properly noticed. He said Robyn has confirmed that they have been so he didn’t have any appetite to get any deeper into this and he didn’t see any need to. He asked if anyone on the Board had any input.

Michael Schamel said he is requesting that we are going to continue the Zoning Board, do we decide if we are going to fulfill that request or not.

Chairman Larry Baker said we can decide if we are going to continue or not and that abutter was properly noticed. The Board could continue if they wanted, from his perspective he wouldn’t recommend that because we have all of the information in front of us. He said he didn’t think they had to talk anymore about the letter. He said he did want to mention it because it is a letter from an abutter. The only piece of the letter that gave me pause was the issue about abutter notification.

Chairman Larry Baker asked if there were any more comments or discussion. There was none.

Keith Cobbett made a motion that they approve the variance on 24 Center Road Map 12 Lot 340 submitted by Alex Mellen.

Frank Malinoski seconded the motion. The motion carried unanimously.

Findings of Fact

1. The applicant stated that there will be no discharge of firearms on the premises.
2. There is another home-based business in the vicinity which also leads to a positive outcome for the variance.

3. The Board reviewed the Findings of Fact from the Planning Board

Robyn Payson told the applicant that there is a 30-day appeal period.

Chairman Larry Baker advised the applicant to wait until the 30-day appeal period had lapsed.

Work Session

Rules of Procedure regarding allotted time for the public to speak at a public hearing.

There was a discussion about the five-minute time allotment for the public to speak at a public hearing. Chairman Larry Baker suggested the time be reduced from five minutes to three minutes and then two minutes for the subsequent comment.

Following discussion

Frank Malinoski made a motion to change the speaking time for the public at public hearings from five minutes for the first time and three minutes the second time to three minutes the first time and two minutes the second time. Shawn Kelley seconded the motion. The motion carried unanimously.

There being not other business, Chairman Larry Baker made a motion to adjourn. Keith Cobbett seconded the motion. The motion carried unanimously.

Meeting adjourned at 6:40 pm

Respectfully Submitted,
Robyn Payson, Planning Director