

TOWN OF ALTON
ALTON ZONING BOARD OF ADJUSTMENT
FEBRUARY 5, 2009
Approved as Amended 3/11/09

Members Present: Timothy Morgan, Chairman
Timothy Kinnon
Paul Monzione
Steve Hurst

Members Absent: Marcella Perry

Others Present: Sharon Penney, Town Planner
Randy Sanborn, Planning Secretary
Members of the Public

I. CALL TO ORDER

T. Morgan called the meeting to order at 7:00 PM.

II. APPOINTMENT OF ALTERNATES

No alternates were appointed.

T. Morgan reported there were only four board members present to vote on their application and gave the applicants present at the meeting the option to have their hearing at a future meeting. The applicants stated they were comfortable with the four board members and felt that time was of the essence.

III. STATEMENT OF THE APPEAL PROCESS

T. Morgan reviewed the appeal process.

IV. APPROVAL OF AGENDA

S. Penney reported that case #09-04 has been continued by the applicant's agent and would be continued to March 5, 2009. She reported that if the applicant did not attend the March meeting that they would need to submit a new application.

S. Penney reported that Case#09-03 there has been a clerical change. The application should be for a Special Exception and the applicants have been notified of the change.

MOTION:

T. Kinnon motioned to accept the agenda as amended and P. Monzione seconded the motion. T. Kinnon asked if there was a change in the notification for Case #09-03. S. Penney stated that it was a clerical change. T. Kinnon felt that it should be changed in the notice that was printed in

the paper. There was discussion about instances of this issue in the past. P. Monziona asked if there was a new worksheet for this application. The motion passed by unanimous vote.

V. NEW APPLICATIONS

**Case #Z09-03
Map 62 Lot 10**

Special Exception

**Ellen Powers
April Powers**

April Powers presented the proposed change to their septic system and the moving of a building on their property. She spoke about the layout of the property.

MOTION:

P. Monziona motioned to accept the application of Case # Z09-03 as completed and T. Kinnon seconded the motion. The motion passed by unanimous vote.

A. Powers and E. Powers spoke about the tree line on the property. There was discussion about the set backs on the property. The building has a deck, which is 26 feet from the water. The foundation of the building will be further back. There was discussion about the current septic system and what would happen if the system should fail. The current system is about 40 years old. The applicant spoke about concerns they had about the current septic system and felt that with the proposed changes to the home that they would be digging up the grounds. S. Penney spoke about the application and noted that clarification was needed about the foundation of the building.

T. Morgan asked for clarification about where the new septic system would be located. A. Powers referred to the plan. She spoke about the limits they have on the property for where the septic system can be placed.

P. Monziona asked for clarification of the plan for what was the existing structure and what the planned structure would be. He noted that this was already a non-conforming use and confirmed that the foundation would be raised. S. Penney noted that the foundation would change a little. There was discussion about the questions that came up with the applications. A. Powers noted that there would be a new foundation and new floor, but that it would be the original house that is already on the property. There was discussion about the history of the house.

P. Monziona asked if the proposed structure would be more non-conforming and A. Powers responded that it would not be. She stated that the purpose for the septic design was to keep this from being more non-conforming. S. Penney reported that they already had an approval for the set-back from DES.

T. Morgan asked about the impermeable area that would be left and reported the results of two surveys that had been presented. A. Powers reported that she had field measured everything and reported the driveway was sand and it had not been factored into one of the surveys. She spoke about the slope of the driveway and reported that pine needles made it slippery. She stated she had cleaned off the driveway to measure it to make sure the permeable area of the property was adequate.

There was discussion about the waiver that had been granted already from DES. A. Powers spoke about discussions they had had with the abutters to their property. There was discussion about if the second deck that was being proposed would interfere with the abutters' view of the lake.

There was a review of the impermeable area on the property.

S. Penney spoke about the replanting of trees on the property. A. Powers reported there would be no net loss and that they would replant some of the shrubs. There would be two trees cut to place the new septic system on the property. She discussed her plans and a set of drawings to show what they would be giving back and what they would be taking with the proposed project.

There was no public input.

The board reviewed the case to determine the following:

- 1. A plat has been accepted by the Planner in accordance with Alton Zoning Ordinance Section 520 b. and a recommendation has been made.**

S. Hurst stated that the plan that they have fulfills that requirement. All members of the Board agreed with his statement.

- 2. The specific site is an appropriate location for the use.**

T. Kinnon stated that the use was residential and was not changing, and therefore was appropriate. All other members agreed..

- 3. Factual evidence is not found that the property values in the district will be reduced due to incompatible uses.**

P. Monziona felt that this would not reduce property values but that it would likely increase it. All members of the Board agreed with his statement.

- 4. There is no valid objection from abutters based on demonstrable fact.**

T. Morgan noted that there was no input from the abutters at all. All other board members agreed that there was no objection from abutters.

- 5. There is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.**

T. Kinnon felt the changes to the driveway would enhance the area. All members of the Board agreed with his statement.

- 6. Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure.**

T. Morgan commended the applicant for upgrading the septic and for preserving the landscape and structure. All members of the Board agreed with his statement.

- 7. There is adequate area for safe and sanitary sewage disposal and water supply.**

P. Monziona noted that a waiver was granted by the state already and he accepted that as being the case. All members of the Board agreed with his statement.

8. The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

S. Hurst felt that this was consistent with the spirit of this ordinance. All members of the Board agreed.

MOTION:

P. Monziona motioned to grant Case #Z09-03 the Special Exception that was being sought on the specific condition that the applicants comply fully with the state and local requirements that have been obtained and that the special exception pertains specifically to the structure that has been proposed. The motion was seconded by T. Kinnon. The motion passed by unanimous vote.

A. Powers asked if there would be a problem with the entry being smaller. P. Monziona noted that his condition was in light of the maximum conditions.

VI. APPROVAL OF MINUTES

S. Penney requested to table the minutes of January 8, 2009, pending review.

There was discussion about the appointment of alternates.

T. Morgan noted that there was an incomplete sentence in section V of the meeting minutes of December 4, 2008. He noted a couple of typographical corrections.

MOTION:

P. Monziona motioned to approve the meeting minutes of December 4, 2008 as amended and T. Kinnon seconded the motion. The motion passed by unanimous vote.

VII. OTHER BUSINESS

S. Penney presented a revised generic application for the Board to review. She stated there was not a lot of new material but that it had been reconfigured. T. Kinnon spoke about the application process and felt that the process should be made easier so that people would submit applications and be in compliance. There was review and discussion of the form. T. Morgan suggested that the Board take the documents home to review them.

There was no old business.

There was discussion on follow up done with applicants to make sure that they conform to the notice of decision. S. Penney stated that they would work on protocols so that the Code Enforcer would have a reference for when applicants came in for permits. There was an open discussion about the current systems.

There was discussion about the role of the Code Enforcer and the Selectmen in the Board's meetings. P Monziona spoke about having a work session when they could meet and discuss some of these issues. S. Hurst spoke about some of his experiences with reporting non-compliances and the follow-up action that was not taken.

VIII. ADJOURNMENT

MOTION:

P. Monziona motioned to adjourn the work session and T. Kinnon seconded the motion. The motion passed by unanimous vote.

The meeting adjourned at approximately 8:40 PM.

Respectfully Submitted,

Krista Argiropolis, Recorder