

TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT

June 5, 2014

Approved Public Hearing Minutes
As amended on July 10, 2014

I. Call to order

Paul Monziona called the meeting to order at 7:04 PM

II. Introduction of Code Enforcement Officer and Zoning Board Members

Paul Monziona, Chair, introduced himself and the members of the Zoning Board of adjustment:

John Dever, Code Enforcement Officer, Alton
Paul Larochelle, Member
Tim Kinnon, Alternate Member
Paul Monziona, Chair
Lou La Course, Member, (Selectman liaison)
Steve Miller, Member

Appointment of alternate member, T. Morgan is not present. S. Miller motioned to appoint T. Kinnon alternate member, to member, with L. LaCourse second. All in favor T. Kinnon appointed member for meeting.

Approval of the agenda

S. Miller motioned to approve agenda with L. LaCourse seconded. P. Monziona noted the deletion of officers due to error. All in favor no opposed. The agenda approved as presented and modified.

III. Statement

The purpose of this hearing is to allow anyone concerned with an appeal to the Board of Adjustment to present evidence for or against the appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds, which the Board must consider when making a determination. The purpose of the hearing is not to gage the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's statutes. For a special exception the Board

must ascertain whether each of the standards set forth in the zoning Ordinance has been or will be met.

V. New applications

Case # Z14-09 & Z14-10

Map 41/Lot 46

**Special Exception &
Variance**

**Marie J. Casaccio R. Trust
Marie J. Casaccio, Trustee**

13 Hummingbird Lane

On behalf of Marie J. Casaccio Rev. Trust, Marie Casaccio, Trustee, Thomas W. Varney PE of Varney Engineering is requesting a Special Exception from Article 300 Section 320 A.7 and a variance from Article 300 section 327 A2, of the Zoning Ordinance to permit the applicant to add a screened in porch and a 12'x 28' addition to the back of the cottage. This property is located in the Lakeshore Residential zone.

Jim Heighton of Sterling Consulting came forward. He stated the Special Exception would be presented first. The application for Special Exception was reviewed. T. Kinnon made a motion that application is presented as complete with P. LaRochelle second. All in favor.

J. Heighton stated there was confusion on the last minutes in regards to this special exception. It was noted that this grandfathered cottage had a 2 or 3 bedroom septic design. It exists as a 3 bedroom cottage now and no matter what happens tonight it will remain a 3 bedroom cottage. The proposed addition on the rear is 12' x28'. In staff review it indicates a special exception under Section 320 for the screen porch and he thinks there should be a special exception for both the addition and the screen porch. J. Dever states the variance is for the addition because of the setback and the special exception is just for the porch. The previous presentation that came before the Board was for a second floor addition and the screen porch, with main objections to view obstruction by neighbors, setbacks and over all non conformity, which it is grandfathered. The second floor view obstruction is no longer an issue because they are not doing that. The non conforming as it stands right now is not an issue, all the cottages within that subdivision are nonconforming. The setbacks as shown in the previous presentation they feel were an issue. The submitted surveys were confusing. A new survey of the lot was authorized and done by Berry Engineering to address the issues. The issues were the boundary points, the closure, the actual waterfront area by deed and the frontage of the waterfront and the location and size of right of way that exists out there which determines setbacks for both the special exception needed and the variance. The plan was done by Rupert Batchelor in 1968. They dug out his notes and redid a survey. They found the rear bounds were an issue and were corrected. The tie line was verified, the waterfront was verified by reference which it was not verified before. The actual location and size of right of way was varied on this new plan. It is a 10' right of way. The existing deck and porch is 6' from the water. All that is asked in this application is to use existing footprint

of the deck and enclose with a roof and a screened in porch. Any other changes would require a new permit. An enclosed porch will not work in that area with the DES. The house is 12' off the right of way and 15' off of the side line 15' off the water and 92' off the rear line of the lot. The rear addition 12' wide 28' long it will not be any closer than the existing grandfathered 12'. P. Monziona asks to define the "footprint" of the current structure and is the deck included in the deck. He questions the 15' off the side that that include the deck. J. Heighton states no that is the house. He questions in the application. Does the "footprint" referenced include the footprint including the current deck. J. Heighton states yes. A question came up by an abutter is the rear addition 30' off the of the beach lot next door and he believes it is. There is currently a shore land permit for the previous application for the second story and there is a septic plan. These have not been amended. If this application is approved they would amend the permit and plan as well as the septic plan. A new septic will be installed 5' to the rear of the addition. S. Miller asked what the height of the screened in porch. J. Heighton said it would not exceed the height of the house but he isn't sure. It would be below the current roof line. S. Miller questions the angle of the roof. It is not known. T. Kinnon questions the angle of the roof and if water run off has been addressed. P. La Rochelle asks about the pitch. J. Heighton states the glass is all coming out and the pitch has not been decided. P. Monziona questioned if the size of the deck will change. J. Heighton replies it remains the same. P. Monziona reviews the agenda then 320 A paragraph 7 for non conforming "uses" beyond existing building dimensions. There is much discussion regarding the term "uses" and how it pertains here. Enlarging the structure would be prohibited and require a variance. P. Monziona does not understand how the application to add onto the structure is being brought on under the criteria of special exception versus the criteria of a variance. The application was presented and given notice to the public as a special exception application. J. Heighton states it was noted as both. When he spoke to J. Dever, he felt the variance was noted to the setback. The reason special exception and variance was put in there was to apply to the whole submission. P. Monziona states the heading of 320 B 2 is the "expansion of a non conforming structure" which seems to be what is being sought. Thomas Varney of Varney Engineering suggested looking at C and D. P. Monziona suggests presenting each application separately. To discuss the special exception then move to the variance application. P. Monziona questions what exactly the special exception is for. Should the Board be looking at anything other provision than section 320 A 7. to rely on. J. Heighton said section B could be under some of it. The public was notified that it was a special exception. There was more discussion regarding the special exception for the screen porch. S. Miller questioned was it for both. J. Dever stated his view was a special exception for the screen porch only because the structure goes up, reading section 320 2 C. The application references section 320. The septic will be replaced with a new leach bed on the common lot. P. Monziona states there is a 3 bedroom septic now. T. Varney talked about site loading and explains it should be a two bedroom septic. It's listed on state approval as two bedroom.

Opened to Public Input

There was no one in favor of the application. In opposition was Lola Eanos, an abutter. She is concerned of staying with the existing roof pitch. She also mentions it blocks some of her view. She had a screen porch and had to enclose it with glass due to weather. S.

Miller asks her if the view is blocked. She states no one is in front of her. P. Larochelle asks if this is the only view she has. She stated no. Public input was closed.

P. Monziona has questions with the photograph of the current deck. He asks if the entire deck will be screened in and the direction of the pitch of the current structure. The existing shore land permit is for an “open porch” only. L. LaCourse asks if they would be averse to staying within the porch line but not around the corner. J. Dever questions if the current roof would be extended. There was some more discussion regarding the abutters view.

Worksheet

P. Larochelle stated that a plat has been accepted in accordance with the Town of Alton Zoning Ordinance section 520 B. All agreed.

T. Kinnon stated the site is an appropriate location for the use. The Zoning regulations permit this use by special exception. All agreed.

P. Monziona stated factual evidence is not found that the property values in the district will be reduced due to incompatible uses. All agreed.

L. LaCourse stated there is no valid objection from abutters. All agreed.

S. Miller stated there is no undue nuisance or serious hazard to pedestrian or vehicular traffic including the location and design of access ways and off/on street parking. All agreed.

P. Larochelle stated adequate and appropriate facilities and utilities will be provided to ensure proper operation of the proposed use or structure. All agreed.

T. Kinnon stated there is adequate area for safe and sanitary sewage disposal and supply. All agreed.

P. Monziona stated the proposed use of structure is consistent with the spirit of this ordinance and the intent of the Master Plan. All agreed.

S. Miller motioned to accept special exception. T. Kinnon motioned to second with conditions. Conditions that the pitch of screen porch roof is the same direction as the existing roof, the ends of the screen house do not extend beyond the wall of the house and the screen porch conforms within the definition of an open porch as presented and not glassed in. S. Miller motioned to approve as amended, T. Kinnon second.

The application for special exception has been granted with the three conditions identified. All in favor.

Case #14- 10

Map 41/Lot 46

Variance

Marie J. Casaccio R. Trust

13 Hummingbird Lane

Marie J. Casaccio, Trustee

On behalf of Marie J. Casaccio Rev. Trust, Marie Casaccio, Trustee, Thomas W. Varney PE of Varney Engineering is requesting a Special Exception from Article 300 Section 320 A.7 and a variance from Article 300 section 327 A2, of the Zoning Ordinance to

permit the applicant to add a 12'x 28' addition to the back of the cottage. This property is located in the Lakeshore Residential zone.

P. Monziona asked the Board if the application was complete. T. Kinnon stated for the record he feels the application is complete for a variance. The application is limited to section 327 as stated on application itself. S. Miller the application complete and L. LaCourse seconded. P. Monziona questions that it is a special exception as well. There was discussion. S. Miller questions if the applicant can amend the application at time of presentation. T. Kinnon said no due to the public notice for a variance. P. Monziona states this is an application for a variance. There was discussion between the Board whether the application needed to be amended before going forward. Jim Heighton stated he thought it required a special exception and maybe the variance for the right of way setback. P. Monziona asks Jim Heighton what zoning regulation he would rely on for the enlargement. He states section B 2C which states expansion. P. Monziona notes that expansion is in the title. P. Monziona states the Board are not advising or putting together the application. They are making observations and sharing with him the issues and difficulties they will have if they try to rule on this application. For the record the Board is not telling the applicant under what regulations they should be applying just observing that this building will be in violation of every criteria on 327. If they would like to request a continuance to amend the application, with no penalty, the Board would discuss. Jim Heighton does want to review the regulations for this application and speak to J. Dever. The applicant will reschedule and apply on the July 10th 2014 @ 7:00 pm meeting to amend the application. S. Miller motioned to accept and L. LaCourse seconded. There was unanimous vote in favor.

New Business: None

Previous Minutes: Minutes of April 3, 2014 not available for review. There was a motion to defer until next meeting by S. Miller second by P. Larochelle. All voted in favor. None opposed.

Correspondence: None

The next ZBA meeting will be held on Thursday, July 10th, 2014 at 7:00 pm

Motion to adjourn made by S. Miller, all in favor at 9:00 pm

Respectfully submitted,

Pat Pizzano
Recording Secretary
ZAC Public Session