

TOWN OF ALTON
ALTON ZONING BOARD OF ADJUSTMENT
July 10, 2008
Approved August 7, 2008

Members Present: Timothy Morgan, Chair
David Schaeffner, Vice-Chair
Paul Monzione, Clerk
Timothy Kinnon
Marcy Perry

Others Present: Sharon Penney, Town Planner
Stacey Ames, Planning Assistant
Members of the Public

I. CALL TO ORDER

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

II. INTRODUCTION OF BOARD MEMBERS

T. Morgan introduced the Board members.

III. APPOINTMENT OF ALTERNATES

No alternates were appointed.

IV. STATEMENT OF THE APPEAL PROCESS

T. Morgan read the statement of the appeal process.

V. APPROVAL OF AGENDA

S. Penney announced that Case #Z08-12, R. Heath, will be continued to the August ZBA meeting per a request received that afternoon from M. Guildbrandsen.

MOTION:

M. Perry motioned to approve the agenda, as amended and P. Monzione seconded the motion. The motion passed by unanimous vote. (TM, DS, PM, TK, MP)

VI. NEW APPLICATIONS

**Case # Z08-14
Berry Podmore**

Map 9; Lot 6

**Special Exception
Suncook Valley Road**

Application submitted by Melissa Guildbrandsen on behalf of the applicant Berry Podmore to request a Special Exception as permitted by Articles 400, Section 401 and 451 to allow a light industrial use in the Rural Zone and Article 500, Section 520 general requirements governing such. This parcel is located in the Rural Zone.

MOTION:

M. Perry motioned to accept the application as complete and P. Monzione seconded the motion. The motion passed by unanimous vote. (TM, DS, PM, TK, MP)

M. Guildbrandsen stated that the applicant has a machine shop in Pittsfield, NH and they would like to move it to Alton, NH. She stated the site they're looking at is a five acre parcel and will be set back from Route 28. She felt this would be significant for the Board to be aware of in their decision making.

M. Guildbrandsen spoke about the product that the business makes. She presented a display of some of the hardware findings or micro-parts that the company makes. She presented a sample order the company might receive. She reported that most of the employees live in Pittsfield or Alton and that the owner lives in Alton.

M. Guildbrandsen stated they had provided a plot plan to show the setbacks from the roadway. She reported that the business would be located on Route 28, near where the NH Electric Co-Op was located and close to Prospect Mountain High School and SAU #72. She felt the type of use of this building would not be incompatible to the area and the business would not affect land values. She noted that the business was in a residential area in Pittsfield and noted there had not been any complaints from abutters. She stated she had letters from abutters stating that the business had been good neighbors. She spoke about the set back of the business, stating that there would not be a detrimental impact on the visibility of the business. She stated there would not be an impact on traffic or pedestrian traffic. She reported that there would on-site sewage and water and felt that the property would allow for amply supply or storage for both. She stated the company uses a lot of oil and a lot of water but they recycle a lot of the use. She reported the building was going to be a "green" building approaching and would be using geothermal. The company uses air conditioning year-around because of the heat that the machines would give off. She spoke about the business, plans for building, and landscaping.

M. Guildbrandsen presented a video to the Board about the business, including sound, to demonstrate the facility in their current operation at Pittsfield. She noted that none of the employees had to wear hearing protection devices and likened the sound of the machinery to being similar to a "loud fan". M. Guildbrandsen reported that the peak reading for noise in the building was 82 DBA, while the DBA reading outside was 53.5 to 59.5. She reported that road noise you can hear within a car will be around 85 DBA.

B. Podmore spoke about the geothermal plans for the building and it was noted that the air conditioning that the building will have will be different and quieter than what they have now.

M. Guildbrandsen read some of the letters from current abutters in Pittsfield. The neighbors felt that the business was an asset to the community and had positive comments about the business. M. Guildbrandsen reported that the business had also contacted Prospect Mountain High School to set up a tech-ed program with the school.

P. Monziona read from an article about the company that had been submitted to the Board. He asked what the largest part was that the company manufacturers. The largest part is a bird-feeder part and is about four or five inches long. P. Monziona asked if there was any time they would be producing larger materials and B. Podmore responded that the largest item they would be manufacturing would be about 13mm long.

M. Perry asked what the hours of operation were and B. Podmore stated they generally operated from 8 AM to 5 PM.

M. Perry asked if there would be an access way around the building for safety. M. Guildbrandsen responded that access wasn't all the way around the building but most of the way around.

P. Monziona asked if there was an architectural rendering available of the building.

There was a question if there were a lot of metal shavings produced from the manufacturing and B. Podmore stated that chips were produced but they were processed and removed by a scrap company to be recycled. T. Morgan asked if there was a potential fire hazard from the waste and B. Podmore explained they were without any additional fire hazard from waste.

PUBLIC INPUT:

Tom Chagnon stated he had a facility on Route 11 and reported he had a similar business. He reported he had put in a similar proposal to the Board a few years ago and felt the business could do very well. T. Chagnon is the owner of Bay State Swiss, next to Merrymeeting Trailer Park. He reported he had to go through about ten hearings because of objections from his next door neighbor. He reported that neighbor is one of his best friends now, stating the Board could contact him. He stated he could also tell the Board anything they wanted to know about the business and manufacturing.

There were no other comments from the public and public input was closed.

P. Monziona asked if there were concerns about the energy that the business would need and if there would be an adverse impact on the community. B. Podmore responded that if they doubled their capacity, they would still be able to operate because the largest motor they had was a 15hp compressor. It was felt that there wouldn't be "brown-outs" caused by the business.

The Board reviewed the worksheet.

D. Shaeffner reviewed the first item of the worksheet and all members agreed.

M. Perry reviewed the second item on the worksheet and felt it was an appropriate location for the use requested. She felt it would be a good location. T. Morgan agreed. P. Monziona felt it was a special exception in that area. All other Board members agreed.

T. Morgan reviewed the third item on the worksheet and felt that the property values wouldn't be impacted by the business. P. Monziona felt the facility was attractive and hoped the new facility would look good. All other Board members agreed.

P. Monziona stated that there were no objections from abutters and all other Board members agreed.

T. Kinnon reviewed the fifth item on the worksheet and felt that there wouldn't be a traffic or pedestrian impact to the area. M. Perry spoke about the slow-downs in the area because of the school. T. Morgan noted the applicant had stated they would have a study from the DOT. All other Board members agreed.

D. Schaeffner reviewed the sixth item on the worksheet and felt the facilities would be adequate. T. Kinnon agreed and spoke about the benefits of geothermal. All other Board members agreed.

M. Perry reviewed the seventh item on the worksheet and stated the septic was ample. All other Board members agreed.

T. Morgan reviewed the eighth item on the worksheet and felt they proposal was appropriate to the master plan. All other Board members agreed and several commented on the benefits of this business being in Alton.

MOTION:

D. Schaeffner motioned to approve case #Z08-14 and M. Perry seconded the motion. The motion passed by unanimous vote. (TM, DS, PM, TK, MP)

**Case #Z08-15
Charles Frank**

Map 5; Lot 53

**Area variance
Temple Drive**

Application submitted by Attorney Arthur Hoover of Alton Law Offices, PLLC, on behalf of applicant Charles Frank III to permit an area variance from Article 300, Section 327 (A) (1) to permit the construction of a deck within the 30' setback. This parcel is located in the Lakeshore Residential Zone.

MOTION:

P. Monziona motioned to accept the application as complete and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TM, DS, PM, TK, MP)

A. Hoover spoke about the history of the property and presented a map of the lot and abutting lots. He showed the lot that the applicant owns and the building that the applicant intends to rent out. There is an "in-law" type of apartment in the building. He noted there were no back stairs on the property but there was only one exit and it was felt that a second exit was needed from the property. He is proposing to build a deck, 59' long, 12' wide. He stated this wasn't just for safety but would make the property more valuable and more habitable because renters would be able to come out to look at the lake from the deck.

A. Hoover noted the distance of the existing structure from the lake, noting that it was only a variance on the northerly end by about two feet. He spoke about a conversation that Mr. Frank had with DES, in light of the Shore Line Protection Act, RSA 483.

C. Frank stated he spoke with someone at DES and was told he could put a deck, maximum of 12', on the structure. He reported he had spoken with Brian Boyers about the deck and was told that he couldn't build the deck. He reported that Brian Boyers called the state and found that a deck could be placed on the existing structure but was told by Brian Boyers that he needed to bring the request to the Alton ZBA, per the recommendation of the attorney. He reported that he went through the application process to the ZBA.

A. Hoover read the section of RSA 483-B: 11, I. that stated that he could have a 12' maximum of the deck. He stated that all of the deck would violate the set back but only 13' of it would be within the Shore Line Protection end. He stated that the whole thing was not 13' from the lake.

S. Penney stated that none of the information about the conversation that C. Frank and Brian Boyers had with the State. She stated she was not privy to any of the conversations and felt that the amendments to the Shoreland Protection Act was a bit of a "debacle" at this point.

A. Hoover stated that this was a one-access structure, which would never be permitted today. He stated this wouldn't be a solid deck, but there would be slits to let the water come through. There would be steps to the deck. There are no trees to be removed. There would be some footings for the posts, approximately eight, running the length of the deck. There is a similar deck on a building also near the water. He spoke about the area and felt that it was something that couldn't be seen from the road. It is a small neighborhood. A. Hoover spoke more about the history of the property and evolution of the building.

P. Monziona asked if there would be a permit needed from the state and C. Frank stated that he was told from the State that he would not need a permit. There was discussion about the distance that the footings would be from the water.

M. Perry asked for the RSA to be read again. A. Hoover read RSA 483-B: 11, I.

T. Kinnon stated that if this is what the law states and if this is what Brian Boyers confirmed, then why did the town attorney request the variance. A. Hoover explained that it was because the building was already non-conforming and they wouldn't need a permit from the State. There was discussion about the setback distance. This variance would make the building more non-conforming.

P. Monziona asked if there was information about how much the deck would be encroaching into the setbacks. It would be an average of eight feet into the setback. C. Frank stated that the stairs would be run along the house, so they would not extend beyond the footprint of the house. The stairs are going to be part of the deck, as there will be a hole cut into the deck. There will not be an impact to the neighbor because of the lay of the land, which goes away from the house. The neighbor's property line is to the North of the deck. There was discussion about the location of the proposed deck and the neighbor's deck.

P. Monziona noted that the south side of the house complied to the setback but that the north side didn't comply by 1.8' on that end. The total length of the deck will be 59'.

There were no other comments or questions from the Board.

There was no public input.

S. Penney spoke about the request and noted she had nothing in writing from DES.

T. Kinnon stated he was concerned that this variance would open up a flurry of requests.

T. Morgan stated he wasn't comfortable with the footings being placed so close to the shore line and felt there should be something from DES about this. A. Hoover stated his client wasn't trying to "pull anything over anyone's eyes" and that T. Morgan's comment was to be expected. He stated that this was the way his client had inherited the property.

There was discussion about the guidelines of the deck. T. Kinnon spoke about the width of the deck, noting that 4' was generally used for an egress, while 6' was used for placing chairs on a deck and 8' to 10' was used for a table, etc.

P. Monziona spoke about the concerns from the Planner about the application. He noted there was a statement that the applicant should be referred to DES for guidance. He stated this was one of the issues that concerned him. He felt that a smaller deck might be more appropriate and felt it wouldn't create a hardship by providing a smaller deck. He stated that he knew the statute allowed a 12' deck.

A. Hoover requested a brief break to confer with his client at 8:31 PM and returned to the meeting at 8:32 PM. He requested a continuance to the next meeting so that they could get the information they needed from DES.

MOTION:

D. Schaeffner motioned to allow case # Z08-15 to be continued to the next meeting, August 7, 2008, with the information from the State to be submitted to the Planning Department by August 1, 2008 and P. Monziona seconded the motion. The motion passed by unanimous vote. (TM, DS, PM, TK, MP)

There was a brief review of what information the applicant would be getting from the state.

VII. APPROVAL OF MINUTES

The Board reviewed the meeting minutes of June 5, 2008 and amended the minutes.

MOTION:

P. Monziona motioned to approve the amended meeting minutes of June 5, 2008 and M. Perry seconded the motion. The motion passed by a vote of four with one abstaining. (TM, DS, PM, MP / abstain - TK)

VIII. OLD BUSINESS

S. Penney spoke about a video that T. Hoopes had submitted for the ZBA members to view.

IX. NEW BUSINESS

There was no new business and no correspondence.

X. NEXT MEETING

The next meeting is scheduled for August 7, 2008.

XI. ADJOURNMENT

MOTION:

P. Monzione motioned to adjourn and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TM, DS, PM, TK, MP)

The meeting adjourned at 9:00 PM.

Respectfully Submitted,

Krista Argiropolis
Recorder