

**TOWN OF ALTON
ZONING AMENDMENT COMMITTEE
MINUTES OF 2017
JULY 26, 2017**

APPROVED

Members Present:

Paul Monzione, Chairman
Virgil MacDonald

Others Present:

Nic Strong, Town Planner
John Dever, III, Code Official
Jessica A. Call, Recording Secretary

CALL TO ORDER

Paul Monzione called the meeting to order at 5:56 p.m., noting there were not enough members for a quorum.

APPROVAL OF AGENDA

Since there were only two members present, there was no approval of the agenda.

ELECTION OF OFFICERS

Paul Monzione suggested continuing the election of officers to the next meeting. Virgil MacDonald agreed.

CONTINUED BUSINESS

Nic Strong stated that Tom Hoopes suggested that the Committee take out the ordinance that permitted two dwellings on a lot of more than 45 acres in the Rural district, which was voted in through a petitioned warrant article by the townspeople last year.

Paul Monzione suggested going through the memo from Nic Strong. She explained that the list of amendments were ones that she and John Dever, III, came up with throughout the year.

1. INTERPRETATION OF ZONING ORDINANCE WITH REGARD TO PRINCIPAL AND MIXED AND MULTIPLE USES ON INDIVIDUAL LOTS: How many uses would be permitted on a single lot in any district? Whether or not the current Zoning Ordinance permitted mixing multiple uses on a lot. Whether that was in accordance with goals in the Master Plan. Whether it was considered when the Zoning Ordinance was written. She also pointed out that it could lead into questions like, how many uses could be permitted. John Dever, III, agreed with Paul Monzione that the zoning ordinance was not clear on this matter. Virgil MacDonald thought that if residents had room on their lot and it was permitted, they could not go forward with anything unless they went to John Dever, III, for a building permit, or submitted an application to the Planning Board for a Site Plan Review. Nic Strong noted that if it got to the point where the Planning Board said enough was enough, where did it stop. She also shared that it was not a requirement that the property owner had to run the businesses, so it was possible they could rent out their house and allow tenants to conduct other businesses. Nic Strong read from the Table of Uses, "Land may be used and buildings may be erected, altered or used for only those uses listed in the following *Table of Uses*. This table does not

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prohibit those uses which are considered accessory and customarily associated with the primary use.” Paul Monziona thought that the Committee should address this. Virgil MacDonald agreed.

2. **LOTS IN TWO OR MORE ZONING DISTRICTS:** Paul Monziona mentioned that ZAC talked about lots in two or more zoning districts last year, but the Committee deferred it. He suggested that when there was lot which was in two districts, that maybe the district that contained the larger portion of the lot should govern the whole lot. He thought that this issue should be addressed. Virgil MacDonald agreed.
3. **SECTION 360 NON-HABITABLE STRUCTURE AS PRINCIPAL BUILDING ON A LOT:** Paul Monziona asked John Dever, III, to explain why the ordinance for Non-habitable structures as a principal building on a lot was in question. John Dever, III, explained that when this ordinance went into effect, all the requests that were received for non-habitable structure as a principal building on a lot were in the Lakeshore Residential district, which was the only district that it was not allowed, therefore these requests have all been variances. He wondered if the Committee should make the request for a non-habitable structure as a principal building on a lot into a special exception because there had been many requests for this type of project.

Nic Strong thought that changes to the wording of this ordinance needed to be clarified. If you were to look at the Table of Uses, it showed #10. Garage as a principal building on lot, but in fact, if it was a shed bigger than 240 s.f. it had to be considered as #10. Garage as a principal building on lot, unlike #11. Shed as principal building on lot, which showed that it was allowed in all districts.

4. **SECTION 401 TABLE OF USES, OPEN SPACE USES #1. Agriculture:** Paul Monziona thought that agriculture was an exception and that the State Statute preempted it. John Dever, III, stated that it was not and that towns could regulate it if they needed to. He stated that the agriculture definition that was in the Zoning Ordinance came from the State Statute. Nic Strong stated that Statute included everything from elk, reindeer, to fish. Virgil MacDonald stated then anybody was allowed to have anything. John Dever, III, stated no, that the Zoning Ordinance restricted agriculture to certain zones, so therefore, he suggested that this be amended to allow residents to have bees and chickens (hens and not roosters) in those districts that currently don't allow agriculture. John Dever, III, shared that he had several people ask him if they were allowed to have chickens and bees. He also mentioned that chickens should not be allowed to free-range. Nic Strong brought up the comment that John Dever, III, made about large pieces of land in the Lakeshore Residential district that were not on the lake, that could lend themselves to agricultural uses, where they are currently prohibited. Paul Monziona thought this should be addressed.
5. **SECTION 412 RESTRICTIONS GOVERNING USE – LAKESHORE RESIDENTIAL:** Nic Strong stated that there were huge differences in frontage between mainland lots with lake frontage, which were only required to have 30' of frontage on the road and then all of the other lots in the Lakeshore Residential district had to have 150' of frontage on the road. She put together a table that just pulled out all the acreages and frontages from the other districts to show how different they were:

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District	Acreage	Frontage
Lakeshore Residential	30,000 s.f.	Lakefront:
		Pre 3/14/95 - Mainland 100' at shoreline with road access; Island 100' at shoreline
		Post 3/14/95 - 150' at shoreline
		Mainland - 30' at street right-of-way; Island 150' at shoreline
		All other lots - 150' at street or highway line
Residential	Single family - ½ acre with municipal water; 1 acre without	Lots with municipal water - 75' single family; 100' duplex/two-family
	Duplex/two-family - 1 acre with municipal water; 2 acres without	Lots without municipal water - 150' at street or highway line
Residential-Commercial	Single family - 15,000 s.f. with municipal water; 30,000 s.f. without	75' at street or highway line
	Duplex - 30,000 s.f. with municipal water; 1 acre without	
	Commercial 15,000 s.f. with municipal water; 30,000 s.f. without	
	Multifamily - 2 units/30,000 s.f. with municipal water; 2 units/1 acre without	
Rural	2 acres per dwelling unit	200' at street or highway line
	45 acres - 2 separate single family permitted	
Residential Rural	Single family - 1 acre per dwelling unit	150' at street or highway line
	Duplex and multi-family - 1 acre per dwelling unit to max five units per structure	

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6. SECTION 335 APPEARANCE REVIEW: Nic Strong mentioned that this section talked about an appearance review, but it really just stated that the Planning Board had the authority to look at appearance during their process. She stated that what John Dever, III, would like to see was something added to paragraph b. that would allow the ZBA, if they were looking at an application that was not ever going before the Planning Board, to consider the appearance review standards. John Dever, III, stated that what brought this to his attention was a recent case that had to do with building a garage as a principal building on a lot in the Lakeshore Residential district. He thought that if the ZBA had this authority to request an appearance review, they would be able to see if the structure would fit into the architectural character of the district. Paul Monziona thought that this should be addressed. He also stated that State Statute permitted the ZBA to impose conditions on the granting of an application, and that if this was included in the requirements, it went along with the criteria of did it diminish property values in the neighborhood.

Nic Strong stated that there were some housekeeping issues to clear up. She also noted that when the Planning Board amended their Subdivision Regulations there were a couple of things that they came across that needed clarification. She also noted that adding letter designations on the Table of Uses would be helpful to cite the sections. She further went on to discuss that there were items in a ZAC memo from 2015 to make changes in 2016 that were postponed and postponed again in 2017, so she wanted to know if they were still relevant to be addressed in 2018. Paul Monziona suggested at the next meeting the Committee should review the list and encourage other Committee members to come up with their own changes.

Other Business:

1. Old Business:
2. New Business:
3. Approval of Minutes: October 25, 2016 and November 1, 2016

Nic Strong stated that she did hear from Tom Hoopes and he stated that he found no issues in the minutes. Paul Monziona suggested tabling the approval of minutes to the next meeting. Virgil MacDonald agreed.

Dates for Future Meetings:

Paul Monziona suggested that Nic Strong send out an email to all members with some suggested dates for the next meeting. Nic Strong suggested to schedule the next meeting two to three weeks from now, either Wednesday, August 9, or Wednesday, August 16, 2017.

PUBLIC INPUT

Paul Monziona opened public input. No public was present. Paul Monziona closed public input.

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DISCUSSION

Paul Monzione confirmed with Nic Strong that the following members on the Committee were Tim Morgan and himself from the Zoning Board, Scott Williams and Tom Hoopes from the Planning Board, and Virgil MacDonald from the Board of Selectmen. He mentioned that Paul LaRochelle from the Zoning Board showed an interest on sitting on the Committee, but would not be allowed to vote. He also thought that coming up with a number of people that could sit on the ZAC should be put on the agenda for the next meeting. Virgil MacDonald stated that if more people knew that ordinances were being created because of issues that might have had come up in the past year, there probably would be more people that understood what this process was all about. Paul Monzione thought that the Committee should talk about how serious they wanted to encourage the public to be involved in the zoning amendment process and suggested posting an announcement in the newspaper.

ADJOURNMENT

At 6:35 p.m. Paul Monzione called the meeting to adjourn. Virgil MacDonald agreed.

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Jessica A. Call
Planning Secretary

Minutes approved as written: September 27, 2017