

**TOWN OF ALTON**  
**ALTON ZONING BOARD OF ADJUSTMENT**  
**APPROVED**  
**September 4, 2008**

Members Present: Timothy Morgan, Chair  
David Schaeffner, Vice-Chair  
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 stated that the first case Z08-15, continued from last month, per the request of the applicant, will be continued at the October meeting, at the request of the application. She reported that that the second case on the agenda Z08-12 will also be continued at the October meeting, per the request of applicant.

**MOTION:**

**MP motioned to approve the agenda and TK seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

**VI. CONTINUANCE**

**Case # Z08-15  
Charles Frank**

**Map 53; Lot 5**

**Area Variance  
Temple Drive**

Application submitted by Attorney Arthur Hoover of Alton Law Offices, PLCC, 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. This is continued from June 5, 2008.

*This will be continued to the October meeting per request of the applicant.*

**Case #Z08-12  
Ryan Heath**

**Map 58; Lot 11**

**Area variance  
Route 11D & Woodlands Rd**

Application submitted by Melissa Guildbrandsen on behalf of applicant Ryan Heath to grant an area variance to allow a single family residence that is set-back ten (10) feet from the property lines on all sides, including the roadway frontage/sidelines of Woodlands Road and Route 11-D. This application is a continuance from the June 5, 2008 meeting.

*This will be continued to the October meeting per request of the applicant.*

**VII. NEW APPLICATIONS**

**Case #Z08-16  
Beckwith Builders/Jonathan  
Long P.E.**

**Map 19; Lot 30**

**Special Exception  
Drew Hill Road**

Application submitted by Beckwith Builders and Jonathan Long P.E., to propose a contractor equipment storage as allowed by Special Exception specified in Zoning Ordinance Article 400; Section 401. This parcel is located in the Rural Zone.

**MOTION:**

**M. Perry motioned to accept application Case #Z08-16 as complete and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

There are no variances requested with this application.

Beckwith Builders representative, Alan Folsom, spoke about the project. M. Perry asked what might be stored at the site and A. Folsom responded with a list of the aggregate materials that would be stored there and likened it to being set up much like a landscaper's lot. This lot will not be used for retail sales but only for the builder's use. They current lease property in Wolfeboro for the purpose of storage but that they would now like to own property.

M. Perry asked about the proposed height of the building and A. Folsom responded that they don't know the height of the building at this time and that they hadn't designed the building other than the footprint of the building at this time. They are not proposing having an office on site or to have running water to the building.

T. Morgan asked what was currently on the site and asked if there was deteriorating pavement there now. A. Folsom explained that the deteriorating pavement in one of the photos was John Jedrey's property. A. Folsom spoke about access to the property and stated they would be talking with the DOT about gaining access to the property from Route 28. He added they are familiar with the bonding process in Alton and that was something they would do if necessary.

S. Penney asked if the land would be use more during the construction season or during the muddy season and A. Folsom responded that they would be using it year round but that the material usually would freeze in the winter. They are not discounting that they would use it in the wintertime.

S. Penney asked about the impact of noise from the equipment on the property. A. Folsom stated it wasn't really a residential area and noted there was a gravel pit right across the street.

M. Perry asked about the tree buffer and noted it was mature growth. She asked if that would be left in place and A. Folsom responded that he would leave the trees and mature growth in the area.

T. Morgan opened the floor for public input.

Mary Bennett, an abutter, spoke against the application. She spoke about her concerns including the impact of noise and traffic on the area. She felt it would decrease property value. She spoke about the streams that are on the property that are inlets to the lake. She is concerned about the impact on the neighborhood.

There were no other comments from the public.

A. Folsom stated that the proposed access would be to the northern end of the property. He stated there were no residential structures on that side. The primary hours of operation are 7 AM to 3:30 PM, five to six days a week. They have three dump trucks and some heavy duty trucks. A. Folsom spoke about the hours of operation and the issue of noise. He noted that M. Bennett's house was beyond the stream, approximately one quarter mile from the entrance to the property.

S. Penney asked if they would be pursuing limited access of Route 28. A. Folsom responded they are looking into it but they haven't had a conversation with the DOT yet.

The Board reviewed a copy of the tax map.

D. Schaeffer noted that the application had been approved as complete and a recommendation had been made. M. Perry stated the property was being use appropriately and that the residents were a considerable distance from the property. All other Board members agreed.

T. Morgan stated there was no factual evidence that property values would be affected by the business being located in the neighborhood. M. Perry noted that there was an objection but they had nothing factual to base it on.

T. Kinnon stated there was no objection by abutters based on fact and spoke about the access to the land and the hours of operation would address some of the concerns of the abutter. M. Perry and D. Schaeffer agreed. T. Morgan noted that the concerns had some merits but that the plans showed it was not a valid objection.

D. Schaeffer stated that was no obstruction to traffic and there was off-street parking. All Board members agreed. M. Perry stated that adequate facilities and utilities would be provided but the building would not be inhabited but just used for storage. All Board members agreed. T. Morgan stated there would be adequate area for sewage/disposal if that was a need later and all Board members agreed. T. Kinnon stated that the application would be consistent with the master plan and all Board members agreed. All Board members agreed on all items on the deliberations worksheet.

**MOTION:**

**T. Kinnon motioned to approve Case Z08-16, providing that the 25 foot mature vegetative buffer on Site Plan C-1 is maintained; that a driveway cut to Route 28 is applied for and pursued; and that a port-a-let is maintained on site until the time that permanent toilet facilities are installed. D. Schaeffer seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

**Case #Z08-17  
George Chrisenton**

**Map 43; Lot 3 & 8**

**Area Variance  
Trask Side Road**

Application submitted by George Chrisenton to grant a Variance to allow two existing nonconforming lots of record to be more conforming in area but still nonconforming in road frontage following a proposed Boundary Line Adjustment as specified in Zoning Ordinance Article 400, Section 412. This parcel is located in the Lakeshore Residential zone.

**MOTION:**

**M. Perry motioned to accept the application of Case# Z08-17 to be completed as submitted and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

George Chrisenton and his daughter presented the request. G. Chrisenton spoke about the history of the two lots he had purchased in 1959. He reported these were divided in 1980 into two lots. He stated they wanted to swap the two lots to make the five acre lot onto the "red" lot (see handouts). S. Penney noted this would require a boundary line adjustment. The variance requested is for road frontage and noted that the majority of lots on Trask Side Road do not have 150' of road frontage.

S. Penney stated that the applicant has two contiguous parcels that he owns and that he would like to do a boundary line adjustment. These parcels are both non-conforming. One is non-conforming in two aspects; by minimum size and road frontage, and the other non-conforming parcel is by road frontage. She noted that the boundary line adjustment and getting a variance approved would get rid of one of the non-conformities and makes the smaller lot more conforming. She noted that access would be switched.

T. Kinnon spoke about approving a variance on a lot that technically did not exist and S. Ames noted that granting the variance could be conditional on the approval of the boundary line adjustment.

T. Morgan opened the floor to public input.

G. Chrisenton's daughter spoke in favor of the application.

There was no further public input.

D. Schaeffer stated that the variance would not be contrary to public interest. T. Morgan noted that one non-conformity would be eliminated. All other Board members agreed. M. Perry stated that the approval of this would be in the spirit of the master plan and would make one of the two lots more conforming. All Board members agreed. T. Morgan stated that justice would be done by approving the request and all Board members agreed. T. Kinnon stated that the adjustment would not affect the property values and all Board members agreed. D. Schaeffer stated that the benefit of the application could not be achieved by any other method other than the area variance and all Board members agreed. All Board members agreed on all items on the deliberations worksheet.

**MOTION:**

**T. Morgan motioned to approve the request of Case #Z08-17 with the caveat that an application be made to the Planning Board for the boundary line adjustment mentioned on the application and M. Perry seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

**Case #Z08-18  
John & Kathleen Anderson**

**Map 52; Lot 17**

**Area Variance  
237 route 11D**

Application submitted by Thomas Varney of Varney Engineering for an area variance to permit a garage within the ten foot side setback from the property lines as specified in Zoning Ordinance Article 300, Section 327. This parcel is located in the Lakeshore residential zone.

**MOTION:**

**M. Perry motioned to accept Case# Z08-18 as complete and D. Schaeffer seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

Thomas Varney explained that the request for a replacement garage would be set back from the original footprint of the previous building and that it would be attached (expanded) to the house. He noted that this would be slightly more conforming.

John Anderson stated that they only want a garage at this time but they would place an addition there eventually. He stated that right now the existing garage is set back about six feet off the street.

T. Varney presented a letter from an abutter, Robert King, who stated he wished them well on the expansion and their plans. Mr. King noted that many people in the area are also making improvements to their homes.

T. Kinnon asked if there was living space above the garage now and J. Anderson responded that it was mainly storage.

M. Perry asked if they were just building the garage and J. Anderson stated they are not framing in toward the house at this time. There will be a room placed above the new garage.

T. Morgan asked how much the new footprint will be enlarged. S. Penney stated the old garage was approximately 200 square feet and the new garage would be approximately 300 square feet.

She stated that she didn't know that the proposed addition would be done in the future but that the summation would be that this was what they were going for in the future. The plans are for what is proposed in the future.

T. Varney reported that the house without the garage is 739 square feet and with the garage will be 1,041 square feet. He stated they are applying for shoreline permits.

T. Kinnon asked how much of the proposed structure would be in the variance set-backs and T. Varney responded that approximately half of the garage (16' x 15') would be in the variance. T. Kinnon stated that they are adding approximately thirteen feet of non-conformity.

T. Morgan opened the meeting to public input.

Kirby Wood, an abutter, to the right of the property, stated they have no objection to the request and felt that it would open up the road better.

There were no other public comments.

T. Morgan stated the Board could start their deliberation. M. Perry stated that the application will not be contrary to the public interest rather it will be beneficial by moving the garage away from Route 11D and all Board members agreed. T. Morgan stated the request is in harmony with the spirit of the ordinances and the intent of the Master Plan adding it will improve character within the district and increase safety being further from the road. T. Kinnon stated that by granting the variance substantial justice will be done also adding additional set back from the road. D. Schaeffer stated that there were no concerns about property values being affected and all Board members agreed. M. Perry stated that the garage being set back would benefit the area and agreed that there was no other way they could achieve their goal and all Board members agreed. All Board members agreed on all items on the deliberations worksheet.

**MOTION:**

**T. Morgan noted the variances included with this application and asked that they get an approve septic design and that they got a permit for DES for shoreline work. T. Kinnon seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

**VIII. APPROVAL OF MINUTES**

The Board reviewed the meeting minutes of August 7, 2008. A few corrections/changes were noted.

**MOTION:**

**D. Schaeffer motioned to approve the amended meeting minutes of August 7, 2008 and T. Kinnon seconded the motion. The motion passed by a vote of three, one abstained. (TM, DS, MP / abstain - TK)**

**IX. OLD BUSINESS**

S. Ames briefly spoke about a conference notice that was included in the Board members' packets.

S. Penney spoke about the scenic assessment and inventories that are being done. She stated this is an interrelated effort with Alan Sherwood's organization/group. She stated this is a basis for expanding or re-re-evaluating our zoning.

S. Ames stated that she needs to know who will be attending the Planning and Zoning Conference and strongly encouraged Board members to attend.

#### **X. NEW BUSINESS**

There was no new business.

#### **XI. NEXT MEETING**

The next meeting is scheduled for October 1, 2008.

#### **XII. ADJOURNMENT**

##### **MOTION:**

**D. Schaeffer motioned to adjourn and M. Perry seconded the motion. The motion passed by unanimous vote. (TM, DS, TK, MP)**

The meeting adjourned at 8:20 PM.

Respectfully Submitted,

Krista Argiropolis  
Recorder