

**TOWN OF ALTON ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES 2019
JANUARY 3, 2019**

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Members Present:

Paul LaRochelle, Chairman
Lou LaCourse, Vice-Chairman
Paul Monziona, Clerk
Tim Morgan, Member
Frank Rich, Member
Steve Miller, Alternate

Others Present:

John Dever, III, Code Official

CALL TO ORDER

Paul LaRochelle called the meeting to order at 6:05 P.M.

APPROVAL OF AGENDA

Paul LaRochelle informed the Board that he wanted to move #1.a. Previous Business, the appointment of either Frank Rich or Steve Miller, to the beginning of the agenda because it had been continued from the past two ZBA meetings and an alternate would be needed for tonight's proceedings. John Dever, III, wanted the agenda amended in order for the Board to hear Case #Z18-30 before #Z18-29.

Paul Monziona MOVED to accept the agenda as amended.

Lou LaCourse seconded the motion, and it PASSED by a vote of (4-0-0).

1. Previous Business:

- a. Continued from December 6, 2018. Discussion and vote to take place on whether Steve Miller or Frank Rich (who are currently both alternates) will be voted in as the next full-voting member to fill Andrew Levasseur's vacant seat on the Alton ZBA.

Tim Morgan suggested to have each alternate make a statement before the Board voted. Steve Miller declined a statement. Frank Rich declined a statement.

Paul Monziona MOVED to have the Board take a vote for the next full voting member for the remainder of Andrew Levasseur's seat, which would end on March 12, 2019.

Tim Morgan seconded the motion, and it PASSED by a vote of (4-0-0).

Paul Monziona: Frank Rich

Lou LaCourse: Frank Rich

Steve Miller spoke up and stated that he wanted to take himself out of the possibilities for the next full voting member. He stated that Frank Rich had worked hard; he

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thought he earned the position, and he would be an outstanding addition to the Board.

**Tim Morgan: Frank Rich
Paul LaRochelle: Frank Rich**

Paul LaRochelle thanked Steve Miller for his time and dedication as a member to the Board, and for his time as Chairman. Paul LaRochelle thought that Frank Rich deserved the opportunity to be a part of the Board full time. Frank Rich would need to be sworn in by the Town Clerk or a Selectman. He would also have to run again at the Town Election because his seat was up in March.

APPOINTMENT OF ALTERNATES

Paul LaRochelle appointed both Frank Rich and Steve Miller as full voting members for tonight’s proceedings.

STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning 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 gauge 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 have been or will be met.

CONTINUED FROM DECEMBER 6, 2018

Case #Z18-30 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for James H. Round, Owner	159 Mount Major Highway Map 36 Lot 25	Special Exception Residential-Commercial (RC) Zone
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A Special Exception is requested from **Article 300 Section 320B. 2. c. and 320B. 5.** of the Zoning Ordinance to permit the expansion of a structure beyond the existing building dimensions.

The Chairman read the case into the record. Paul LaRochelle left his seat and recused himself from Cases #Z18-30 & #Z18-29. Lou LaCourse sat in as Chairman.

Present were Thomas W. Varney, P.E., and James H. Round.

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Thomas W. Varney, P.E., and James H. Round came to the table. Thomas W. Varney, P.E., stated that the structure was built back in 1900 and Mr. Round had owned it since 2004, but was now deteriorating and needed to be demolished and reconstructed. The front of the existing building was approximately 1' over the property line onto the DOT right-of-way. The existing front deck was over the property line and extended approximately 5' into the DOT right-of-way. The septic system was old and did not have State approval. The water supply was an artesian well that was located in the DOT right-of-way. The plan was to demolish the existing structure and move it back with the property boundaries. The end of the deck would be only be 1' over the setback. Parts of the structure would remain within the 25' frontage setback area. The new structure would be larger in size and would have a full foundation. The structure would not go over the 10' side setback requirements. Retaining walls would be constructed for landscaping and a new septic system. The existing parking area located on Spring Street would be improved and used for the leach bed area. A DES Shoreland Permit and Septic System Design were pending. Stormwater measures were to be installed to manage stormwater runoff. A Variance was also being requested for the increase of the structure size, to be within the 25' setback area. Thomas W. Varney, P.E., referred the Board to the pictures in their packets of the existing structure and the plans for the new structure. He pointed out that he submitted a survey plan for this lot with his application.

Thomas W. Varney, P.E., was asking for a Special Exception to demolish the existing structure and then build a new structure in the same footprint, but moving it back one (1) foot away from the DOT right-of-way. The property was 60' wide and 120' deep. There was room for parking in the right-of-way because it was 99' wide. The existing septic system would be removed and a new one installed, with the leach bed located near Spring Street. The well was located in the right-of-way, but Thomas W. Varney, P.E., found an easement at the Belknap County Registry of Deeds, dated 1970. There was an area with trees that would not be removed because there were strict rules for the Shoreland Permit. The basement would be constructed so Mr. Round could park his car under the house. The new structure was very similar to the old one, except it was a bit bigger. Sheet 2 of the plans had a diagram of what the new structure would look like.

Steve Miller asked if there were any complaints either written or verbal from any abutters. Thomas W. Varney, P.E., stated, not that he was aware of.

Tim Morgan noted that under the ordinance that relief was being requested from, B.5., there were several criteria; he wanted to know whether they were all met. He read the following criteria: There was no increase in the number of bedrooms; and no increase in the nonconforming aspect of the structure. Thomas W. Varney, P.E., stated that there were no additional bedrooms proposed, and the structure was being moved away from the property lines.

Paul Monzione pointed out that Mr. Round was asking for a Variance in Case #Z18-29; he noted that under the criterion that Tim Morgan asked about, there would not be any new or an increase of any nonconforming aspects of the structure. Paul Monzione stated that if Mr. Round needed a Variance, then the new structure was going to be encroaching into the right-of-way setback for DES and the Town. Paul Monzione asked if the structure was currently within the right-of-way. Paul Monzione asked when the new structure was put in place, how would that change, if at all, in terms of its encroachment into the right-of-way. Thomas W. Varney, P.E., stated there was a small area that was about 7' wide by 32' long

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that would be within the 25' setback. Paul Monzione asked how far into the right-of-way setback did the current structure encroach. John Dever, III, stated that the structure was actually over the property line; therefore, it was entirely within the 25' setback and then went into the DES right-of-way. Paul Monzione stated that there was no setback then because the structure was so far beyond it. He wanted to know how far, after the structure was moved back, it would be within the setback. Thomas W. Varney, P.E., stated 1' away from the right-of-way. Paul Monzione pointed out that the structure would be 24' within the 25' setback; therefore, only leaving a 1' setback. The structure was currently in compliance with the 10' side setback, and the proposed structure was also. Paul Monzione wanted to know if there was a way to achieve a greater nonconformance in regards to the right-of-way setback. He stated that the other thing that the criteria for a Special Exception required was that the nonconformance would be reduced. He wanted to know if it could be reduced even more. Thomas W. Varney, P.E., stated, no, because there was steep banking out back of the lot. John Dever, III, stated that approximately 7' of the deck was into the right-of-way itself, Mr. Round was moving it back about 8" altogether. Frank Rich stated that the existing deck appeared to be 5' over the property line; therefore, that would be eliminated. He pointed out that the current structure, which was 9 ½' X 18', was being demolished; the new structure would be moved back, and the deck would hang over the area where the structure was currently. Frank Rich thought it was a big improvement to the encroachment even though it was still nonconforming. Paul Monzione asked if the architectural plans of the building with the exterior elevations that were submitted with the application was how the structure was going to be built; Mr. Round stated, yes.

Tim Morgan asked Thomas W. Varney, P.E., if he saw the comments from the Fire Department. Mr. Round thought that the Fire Department had some concern with the 3' front elevation of the structure, which was over the maximum height. He stated there was plenty of access at the front of the structure, if there was a need for a ladder truck; they would have no problem setting it up in front of the structure to get access to the roof. John Dever, III, wanted to add that he had a conversation with Lt. Turcotte about the ordinance and how it stated nothing over 35' at any point; after discussing the ordinance, it was understood that the height was taken from an average grade. Paul Monzione stated that the current height of the building was not nonconforming with the zoning ordinance because the 35' height restriction was determined by an average from finish grade around the structure. The fact that at one point it was 38.25' did not mean that it was noncompliant with the ordinance. Lou LaCourse noted that the actual height of the structure was 33.75'. Steve Miller asked what the grade in the front of the structure, because if a fire truck was in front of the structure, the land needed to be flat enough for the four (4) truck braces. John Dever, III, stated that the easiest way to access the structure with a fire truck would be from the driveway off Route 11.

Thomas W. Varney, P.E., wanted the Board to know that a catch basin was being added in the driveway area and also up by the other parking area off Spring Street, which was a big improvement for stormwater runoff into the lake to protect water quality. Frank Rich wanted to talk about the precast concrete drywall; he asked if that was the improvement. He wanted to know what it meant by "bottomless". Thomas W. Varney, P.E., stated that water would infiltrate right through the bottom into the soil underneath; it would not pipe off into any other place. This would also keep the water from running out into the road or the lake or stream. Frank Rich wanted to know if the drywall would leach into the lake. Thomas W. Varney, P.E., stated, no; it would infiltrate through the soil.

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Lou LaCourse opened public input. No public input. Lou LaCourse closed public input.

Paul Monziona thought it was an excellent project, it was a tremendous improvement, and the architectural elevations appeared to be appropriate.

Lou LaCourse moved the Board onto the worksheet.

Frank Rich stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B.

All Board members agreed.

Paul Monziona stated that the specific site **is** an appropriate location for the use. He stated that the use was remaining the same.

All Board members agreed.

Tim Morgan stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated that there was no evidence submitted with respect to property value changes, but it seemed that what was presented would help local property values.

All Board members agreed.

Steve Miller stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there was no testimony from any abutters at tonight's hearing and there was no record of any communications from any abutters having any disagreements.

All Board members agreed.

Lou LaCourse stated that 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. He stated that there would be a little bit more off street parking than before, otherwise, nothing in the proposed changes appeared to cause any hazard to pedestrians or vehicular traffic in any way.

All Board members agreed.

Frank Rich stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated that all of the appropriate facilities and utilities were already on site.

All Board members agreed.

Paul Monziona stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated that subject to the NH DES Shoreland Permit approval and Septic approval, he would recommend that those items be a condition of approval when granting the Special Exception. Tim Morgan thought that was an appropriate act.

All Board members agreed.

Tim Morgan stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan. He stated that this section of the ordinance was drafted specifically to

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encourage this type of request.
All Board members agreed.

Paul Monziona MOVED to GRANT the Special Exception for Case #Z18-30, with the condition that the applicant obtained all of the necessary and appropriate approvals from the State to include NH DES Shoreland Permit and Septic approval. Tim Morgan seconded the motion, and it PASSED by a vote of (5-0-0).

<p>Case #Z18-29 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for James H. Round, Owner</p>	<p>159 Mount Major Highway Map 36 Lot 25</p>	<p>Variance Residential-Commercial (RC) Zone</p>
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A Variance is requested from **Article 300 Section 327A. 2. and 320B. 5. b. & c.** of the Zoning Ordinance to permit the expansion of a building within the twenty-five (25’) right-of-way setback.

The Chairman read the case into the record.

Present were Thomas W. Varney, P.E., and James H. Round.

Thomas W. Varney, P.E., and James H. Round came to the table. Thomas W. Varney, P.E., pointed out that the area in green on the plan, which included the proposed deck and about half of the house, was the area of the house that would be widened and would encroach the 25’ setback. The project included squaring off the building.

Tim Morgan asked if it affected the side setbacks; Mr. Round stated, no. Tim Morgan pointed out that one of the criteria that the State Statute required the Board to consider in a Variance was hardship. He wanted a description of what the property behind the house was like that would prohibit the house from being moved back up the lot. Thomas W. Varney, P.E., stated that in the back of the house, Mr. Round needed room to be able to go out the back door in order to have a barbecue and to have some land to stand on around the building. Currently there was small patio. Tim Morgan thought there was a very steep grade and asked if that would be the hardship criteria. Thomas W. Varney, P.E., agreed. He noted that the land was level and it led towards a stone wall, which had large boulders and had a very steep grade.

Paul Monziona asked how far into the setback would the house be. Thomas W. Varney, P.E., stated the building was widened out 7’ at the front, and it also included the deck. Paul Monziona stated that by widening the structure 7’, more of the structure was encroaching onto the setback than the original structure. In addition, the house was being moved back somewhat from the road. Mr. Round stated that there was a lot of excavation would have to take place if the house had to be moved entirely out of the setback, and that was not realistic. Frank Rich noted that if the house was to be moved out the setback, it would end up at the complete other end of the property near Spring Street. He thought that even the best builder would have difficulty with this project, especially since it would need an extremely large retaining wall. He thought that was a huge hardship. Lou LaCourse asked where exactly the 25’ setback was on

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the plan. Thomas W. Varney, P.E., stated that it was indicated in orange.

Thomas W. Varney, P.E., stated that the current house, which was 118 years old, had a moisture problem that was very serious; therefore, Mr. Round really needed to do something with his house in the very near future. Mr. Round stated that this season was the last season he would be staying in the current house.

Lou LaCourse opened public input. No public input. Lou LaCourse opened public input.

Lou LaCourse moved the Board onto the worksheet.

Paul Monziona stated that the variance **will not** be contrary to the public interest. He stated that the purpose of the right-of-way setback was to prevent public safety from being compromised, but the current structure had been encroaching the setback for a long time. He mentioned that even though the proposed house was slightly wider, it was being brought back away from the right-of-way; therefore, it was more appropriate for the location. Frank Rich stated that the Board had heard nothing from abutters that this project would be an issue for them.

All Board members agreed.

Tim Morgan stated that the request **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan, and with the convenience, health, safety, and character of the district within which it is proposed. He stated that when it was brought up during the Special Exception, the Zoning Ordinance section that the Board was dealing with was drawn up specifically to encourage this sort of proposal, for example, rehabbing the old cottages along the lake.

All Board members agreed.

Steve Miller stated that by granting the Variance, substantial justice **will** be done. He stated that there was a limited amount of alternatives that Mr. Round could use in order to improve the property because of the uniqueness of the layout of the land and the footprint. There would be a significant improvement from a dilapidated house that must be raised to a source of pride in the neighborhood. Tim Morgan thought that substantial justice would be done because the benefit to the applicant far outweighed any detriment to the public as a whole.

All Board members agreed.

Lou LaCourse stated that the request **will** not diminish the value of the surrounding properties. He stated that as previously discussed, the current house had been there for a number of years and the Board had not been presented with anything in regards to property values. Frank Rich thought that the new house would enhance the value of the surrounding properties. Steve Miller thought that there would be a significant increase in the assessment value of the house.

All Board members agreed.

Frank Rich stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) **No** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;

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(ii) The proposed use **is** a reasonable one.

Frank Rich agree to the above criteria because there was a hardship in terms of the topography of the land was laid out. He thought that Mr. Round was doing the best that he could to comply with the regulations, but at the same time, trying to make the property look the best to his ability. All Board members agreed.

Paul Monzione moved to GRANT the Variance for Case #Z18-29, with the condition that the applicant obtained all of the necessary and appropriate approvals from the State to include NH DES Shoreland Permit and Septic approval.

Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).

Lou LaCourse stepped down, and Paul LaRochelle returned to his seat as Chairman.

DISCUSSION:

Due to there being five (5) voting members present on the Board, Steve Miller asked to be excused. Paul LaRochelle thanked Mr. Miller for sitting in for the two previous cases. Paul Monzione noted that in the past, he made it a point that if there were applications that came to the Board where the agent for the applicant was a member of Beckwith Builders, Inc.; he would ask if anyone wanted him to recuse himself because he has had a personal and professional relationship with the principal of the company. He asked if any of the members of the public felt that he should recuse himself. No one from the public indicated any issues; therefore, Paul Monzione was not going to recuse himself. Steve Miller excused himself from the meeting at this time.

Paul LaRochelle announced to the public that due to the heavy caseload that the Board had on tonight's agenda, the Board was not going to start any new application after 10:00 p.m. He gave applicants the option to continue their case to the following scheduled meeting and they would not be charged any additional fees.

Case #Z18-31 Marty & Cathy Ann Williams, Owners	47 Rand Hill Road Map 34 Lot 14	Variance Residential (R) Zone
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A Variance is requested from **Article 300 Section 327A. 2.** of the Zoning Ordinance to permit the construction of an open deck at the front and side of the home that will be within the 25' right-of-way setback.

The Chairman read the case into the record.

Present were Marty & Cathy Williams, Owners.

Marty & Cathy Ann Williams came to the table. Mr. Williams noted that he was requesting permission to add a deck to the existing house for all of the usual reasons a person would want a deck, but also to add

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seasonal space to their small home, and to provide a level outdoor recreation area on their unlevelled lot. He mentioned that he was also looking to use the lower portion of it for storage. The plans he had, as he upgraded the house, was to put in a storage shed to accommodate for their belongings, but he had to install two septic fields during the fall

Paul LaRochelle pointed out that in no way would the porch encroach any further than it was currently. Frank Rich asked about the placement of the stairs. Mr. Williams stated that the stairs that were closer to the road currently would be taken out altogether and the new stairs would be right in front of the door. Frank Rich asked about the porch. Mr. Williams stated that the porch was coming down and they were going to build an open deck. Mrs. Williams stated that the deck would wrap around the house in an “L” shape. Paul Monziona pointed out that the proposed deck was making things more nonconforming because many additional structures were being added into the setback, but it was not being built further into the road. He asked how much did the porch currently encroach into the setback. John Dever, III, stated 15’ into the setback at its closest point because the house was at a slight angle. He mentioned that the total s.f. of the deck was about 245 s.f. and about 196 s.f. of that would be encroaching. Mr. Williams stated that if you looked at the deck from the Rand Hill Road perspective, it would be one foot back from the existing porch was now.

Lou LaCourse asked what was going to happen to the portion of the enclosed porch. Mr. Williams stated it would continue to be an enclosed porch and it would not become living space. Paul LaRochelle asked about the basement door; would the deck be built above the doorway. Mr. Williams stated, yes, and they were going to have an enclosed storage area underneath the deck. Lou LaCourse asked John Dever, III, if there would be an issue with the underneath of the deck being enclosed or not being enclosed; he stated, no.

Frank Rich pointed out that Mr. & Mrs. Williams were putting in a walkway, and was that for the betterment to both properties. Mr. Williams stated that there was already an existing walkway that went up the hill to the property behind them; the neighbor had a right-of-way to access that walkway. He stated that currently it did not have any railings, so they wanted to make it safer. Paul Monziona asked if the deck was going up to the large bay window and would it go to the right of the side door. Mr. Williams stated, the deck would not go past the door; the remaining stairs would stay.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

John Dever, III, mentioned that the Woodward’s, who lived behind the Williams’, were emailed a copy of the plans and the application because they were in Florida. Frank Rich asked if there were any other concerns from any of the Departments; John Dever, III, stated, no. Tim Morgan thought that a large portion of the project was merely replacing the front steps; he noted that they were already into the setback the same distance as the proposed deck would be and would not be encroaching any further.

Paul LaRochelle moved the Board onto the worksheet.

Tim Morgan stated that the variance **will not** be contrary to the public interest. He stated that the public interest with these setbacks were to avoid crowding and to avoid any danger to the traffic. He did not

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think there was any more crowding into the setback with the proposal as there was with the current situation.

All Board members agreed.

Lou LaCourse stated that the request is in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan, and with the convenience, health, safety, and character of the district within which it is proposed. He stated that Mr. Morgan had already pointed out that the spirit of the ordinance was to prevent crowding if there was a fire and also to keep a safe distance between buildings. He thought that even though it was a small increase in nonconformity, it was really not encroaching any further into the setback in the direction of the right-of-way. Frank Rich stated that the health, safety, and character of what was proposed made the property better. Tim Morgan thought that the safety was a big issue. All Board members agreed.

Frank Rich stated that by granting the Variance, substantial justice will be done. He stated that the Williams' had taken the time to be thoughtful and careful with their proposal, and substantial justice would prevail. Tim Morgan thought that the benefit to the Williams far outweighed any detriment to the rest of the populace.

All Board members agreed.

Paul LaRochelle stated that the request will not diminish the value of the surrounding properties. He stated that there was no evidence from any abutters objecting to anything. He thought that this project would be an improvement, especially with the right-of-way. This project would also allow the owners to walk safely from one end of the house to the other side. There was no evidence that this project would diminish the value of any of the surrounding properties. Paul Monziona stated that no one from the public spoke up and there was no evidence that doing these improvements would diminish the value of the surrounding properties; it was improving the safety, character, and aesthetics of the property and the area. All Board members agreed.

Paul Monziona stated that for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) **No** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- (ii) The proposed use is a reasonable one.

He stated that special conditions of the property that distinguished it from other properties in the area were the current layout and configuration of the house; there were the concrete steps and the current deck. This proposal was to add a small additional portion of exterior deck and it would increase the safety of the property. This project would not impair the purpose of the ordinance; therefore, the general public purposes of the ordinance were preserved. He noted that there would be no specific reason to strictly enforce the ordinance for this particular improvement. He also thought that this proposal was a reasonable one because it was staying a residential use, and it would be an improvement. Tim Morgan thought that the hardship was the topography and it was a small lot with an existing building. He also thought that the new leach fields made it difficult to build this project in any other manner than proposed.

All Board members agreed.

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**Lou LaCourse moved to GRANT the Variance for Case #Z18-31.
Tim Morgan seconded the motion, and it PASSED by a vote of (5-0-0).**

<p>Case #Z18-33 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Outside In Construction/Jesse Lindland, Applicant; and Sherideth Seeley, Owner</p>	<p>8 Back Bay Path Map 34 Lot 33-31</p>	<p>Special Exception Residential (R) Zone</p>
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A Special Exception is requested from **Article 300 Section 320A. 4., 6., & 7. and Section 320B. 2.c. & 5.** of the Zoning Ordinance to permit the existing cottage to be torn down and replaced with a new building that has an increased height and is expanded 5’ at the rear of the building.

The Chairman read the case into the record.

Present were Thomas W. Varney, P.E., agent, and Ruth Smith, Sherideth Seeley’s daughter, and her husband, Steven Smith, and Jesse Lindland, applicant.

Thomas W. Varney, P.E., came to the table. He stated that this property was located within the campground at the Alton Bay Christian Conference Center (ABCCC). He stated that Sherideth Seeley wanted to tear down the current cottage and replace it with a new structure, which would occupy the same footprint with the exception of expanding in the back about 5’. The height of the structure would increase the living space. The bottom sill elevation would remain as it was currently. The pathway to the back of the cottage would be relocated around the building expansion. The landscaping would remain the same. The sewer line would be re-routed, and was currently connected to a State approved community system. A DES Shoreland permit was required. Two dry wells would be installed to infiltrate roof runoff into the soil.

Thomas W. Varney, P.E., had submitted a set of plans that had three sheets. Sheet one gave the Board an idea of where the lot was located on the property. Sheet two showed the existing building and the two pathways around the building, there was no drivable driveway that led to the structure, it showed the lake and some retaining walls, and it also showed the existing front and side view of the cottage. Sheet 3 had the proposed building. The project included demolishing the current structure because it was old and obsolete, and it was having some foundation problems. The new structure would be at the same grade, but would be a bit longer and would stay in the same footprint.

Lou LaCourse asked, when looking at the building to the right in the picture that was submitted to the Board, was the intent of the replacement structure to mirror that building, and would it be at the same depth. Thomas W. Varney, P.E., stated, yes, it would allow for more living space for the family on the second floor, but they were not adding any additional bedrooms. Jesse Lindland stated that there was a walkout basement currently not finished. The living space would be on the first floor (living room, dining room, bathroom, and kitchen), and the bedrooms would be moved to the second floor. Lou LaCourse asked about the walkout basement. Jesse Lindland stated it would stay unfinished. Frank Rich asked if

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the peak of the new structure any higher than the peaks on the surrounding structures. Jesse Lindland stated that it would be one foot higher, but would stay under the 35' maximum height allowance. Paul LaRochelle noted that the height was 28' 10". Lou LaCourse pointed out that it appeared that the ground was a bit lower than the surrounding structures. Jesse Lindland agreed, so the height of the proposed structure could possibly fall in line with the other structures. Paul LaRochelle noted that each structure appeared to be at a slightly different height. He also pointed out that the width of the structure would stay at 19' 5", with 32' depth; currently it was at 27', but the back wall was going to be pushed back. He asked how far the existing structure was from the retaining wall. Thomas W. Varney, P.E., thought it was about 15'.

Paul Monzione was having a hard time understanding why the application was being requested under 320A. 4. Expansion of use. He stated that the Board would not grant a request if it had an increase that would be detrimental to the neighborhood. The Fire Department did not want to see things like happen because the area was tightly compacted; this property already had a horrible fire in the past and they had a serious concern. He continued reading the ordinance that stated, "...and will not increase any existing nonconformance (of the building) of setbacks of lot coverage." Expanding the building increased lot coverage of the building. Number 6 of the ordinance read, "'In kind replacement' means keeping the same square footage of building area while allowing the building footprint to be realigned.....". He thought that the request was going beyond the square footage of the building. Number 7 of the ordinance read, ".....may not expand upward, or above the existing roofline or downwards.....". He thought that this proposal was asking for all of the things that were not allowed because it was expanding the building. Thomas W. Varney, P.E., stated that an applicant would need an approval from the ZBA in order to do what the applicant was requesting. Paul Monzione stated that the ordinance stated that the ZBA could not give approval, the ordinance stated that the ZBA could only give approval provided that the aforementioned actions were not happening. He pointed out that everything in the plan was happening. John Dever, III, noted that as far as expansion of use, the ordinance required that the structure could not be expanded unless they received an approval for a Special Exception. Paul Monzione pointed out that the ordinance stated that, "The ZBA shall not grant such a Special Exception unless the proposed expansion is clearly not a new use, will not have an increase detrimental impact on the neighborhood, and will not increase any existing nonconformance....", so if it did have an increased detrimental impact on a neighborhood then the ZBA could not grant the Special Exception. He stated that the Fire Department stated it was a compacted area and they wanted it to stay within the same footprint. He noted that was only one thing that indicated there would be a detrimental impact or not. John Dever, III, stated that those structures on that piece of property were nonconforming because of their use; they were not nonconforming because of their setbacks or their lot coverage. The structures were nonconforming because there was more than one structure on a lot.

Paul LaRochelle pointed out that all of the structures to the right of the current structure all burnt down in the big fire. He wanted to know if they were all rebuilt within their footprint. John Dever, III, stated that he was unsure because that fire occurred before he started working for the Town; he would have to look at the building files. In his opinion, he thought that they probably were expanded. Paul Monzione was not sure if the ordinance that this application was applied under was worded the same as it was today because of changes that may have occurred with the Zoning Amendment Committee (ZAC) over time. He stated that ZAC created this type of ordinance to allow the townspeople to take down old structures voluntarily

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and replace them in kind. Tim Morgan noted that if the Board followed the Fire Department's comments that there was an increase in the detrimental impact; however, he thought that the applicant was keeping the same square footage of the building floor. Paul Monzione stated, no; they were expanding the square footage. Tim Morgan thought that the ordinance talked about the square footage of the building area, and not the building itself. Paul Monzione thought that the applicant was adding significant square footage to the overall structure. John Dever, III, stated that the applicant's request for an increase was 97 s.f. Tim Morgan asked if that was in the building area, or the footage within the building. John Dever, III, stated it would expand the back of the back some and the expansion would be into the banking. He referred the Board to a picture in order to show them where the expansion would go into the hillside. That area was not in an area where emergency services would access; they would access the structure in the front of the building down the pathway. He pointed out that the Board had addressed these types of requests when people wanted to increase the footprint slightly and handled it as an expansion of use. Paul Monzione thought he was correct, but there was also the fact that there were several other criteria that this request was applied under. Tim Morgan stated that the applicant could apply under #7 because that had to do with the increase in height. Paul Monzione was concerned with approving this application due to the Fire Department's concerns.

Steven Smith noted that the fire access was on the opposite side of the building, which was the larger walkway. He further noted that the existing building was far more of a fire hazard than a new building would be. Paul LaRochelle asked if there was a walkway behind the current structure. Steven Smith stated that there was, and the reason why they were rerouting the walkway was not specifically because of the expansion of the building, but was because there was a protrusion of ledge behind the building. The walkway would run around that protrusion, and part of that included tearing out a large section of a failed retaining wall that was holding up the huge embankment; they would replace it with a proper retaining wall and a nice wide walkway. Paul LaRochelle asked if Mr. & Mrs. Smith had spoken to the Fire Chief. Mr. Smith stated he had not. John Dever, III, stated that the Fire Chief's comments came in after the last meeting. Frank Rich stated that the Fire Chief recommended staying within the original footprint, but the footprint that was being expanded was to the back of the structure, it was not on the sides. He thought that the Fire Chief maybe did not take enough consideration in making his decision that this was an older home and was more combustible than a new structure. Paul LaRochelle did not think the Fire Chief took this under full consideration, and looking at the pathway in the back, the proposed changes were an improvement to give better access to the back of the building. Paul Monzione stated that he liked the response he received from the builder regarding the building materials, the structure, the improvement of fire retardant materials used for siding, roofing, etc., the expansion, and wider pathways, but he did not want to second-guess the Fire Chief. He referred back to 320A. 6., which required a new structure to be within the same square footage as the original.

Paul LaRochelle asked if there was any thought put into not expanding the structure. Thomas W. Varney, P.E., stated that the nonconformity was the campground itself. He stated that he showed compliance with the setbacks and what he was proposing, he was encroaching where they were allowed to encroach, which was away from the 30' setback. He noted in the zoning, it indicated to keep the same square footage of building area, allowing the footprint to be realigned so as long as the new structure complied with setback requirements; they required with the setbacks so he thought that the building could be expanded. Paul Monzione did not think that was what the ordinance stated. He thought the ordinance stated, keeping the

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same square footage of the building while allowing the building footprint to be realigned. He stated that there were times that the Board would allow an applicant to move the structure or shift it to change it so it was a better fit on the site, but not to expand it.

Tim Morgan asked Mr. Varney if he would entertain a continuance to the following month. Thomas W. Varney, P.E., stated that years ago when other cases came to the Board, there was a campground with several buildings and a concern was always that a fire could take place. His idea was not to expand the building closer to another building because that would make him liable as an engineer. In between that time, there had been a major fire, but all of the buildings have been approved to be put back in to the campground. Paul Monziona stated that those buildings expanded upwards, and that was allowed under #7. Paul LaRochelle asked Thomas W. Varney, P.E., if he would consider talking to the Fire Chief, or possibly not expanding in the back of the structure; therefore, keeping the structure within the same footprint. Frank Rich asked if Thomas W. Varney, P.E., would consider talking to the Fire Chief. Frank Rich stated that when he read the comments from the Fire Chief, he thought that “tightly” meant more towards the width of the building and not the length. Lou LaCourse asked if the Board had an opportunity to invite the Fire Chief to one of their meetings. John Dever, III, stated that if so, it would be Lt. Turcotte, but he did not see why not. Paul Monziona thought that Lt. Turcotte should take a second look at the plans and clarify what his comments meant. Paul Monziona stated that the in-kind replacement also meant keeping the same square footage of the building. John Dever, III, stated that the Board had addressed this same issue previously in other cases. Tim Morgan stated that the Board approved a previous application because they thought it was a de minimis change in the overall size. John Dever, III, stated that the increase in size was addressed under the Expansion of Use ordinance. Paul Monziona stated then the Board would grant the request under 320A. 4., which would cover the 100 s.f.

John Dever, III, stated that ZAC made some tremendous changes to the nonconforming section of the ordinance to make it much clearer and much simpler, but that needed to be voted in by the townspeople at the Town vote in March. Paul LaRochelle felt more comfortable if Lt. Turcotte was brought up to speed with the concerns that Thomas W. Varney, P.E., had. Paul Monziona thought it was difficult sometimes for a town official to come to a night meeting, but if Lt. Turcotte just made a revised comment, then he would be satisfied with that. John Dever, III, mentioned that he could be part of that conversation to help facilitate what the concerns were.

Paul Monziona moved to continue the Special Exception for Case #Z18-33 to the following regularly scheduled meeting on February 7, 2019, to enable the applicant to take any additional steps that they deemed appropriate, or to receive any further comments from the Fire Department.

Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).

NEW APPLICATIONS

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<p>Case #Z19-01 Aimee Bentley, AIA of Beckwith Builders, Inc., Agent for Wayne P. Capolupo, Trustee of the Winnie Family Trust, Owner</p>	<p>42 Roger Street Map 54 Lot 15</p>	<p>Variance Lakeshore Residential (LR) Zone</p>
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A Variance is requested from **Article 300 Section 328A.** of the Zoning Ordinance to permit a cupola on a boathouse to exceed the 15’ maximum height allowance.

The Chairman read the case into the record.

Present were Aimee Bentley, agent, Jason Beckwith (Shoreland & Wetlands), and Wayne P. Capolupo, owner.

**Paul Monziona MOVED to accept application # Z19-01 as complete.
Lou LaCourse seconded. Motion PASSED with a vote of (5-0-0).**

Aimee Bentley came to the table. She stated that the boathouse itself was 894 s.f., it was approved through DES Wetlands, and there was an active building permit to build the structure without the cupola. Without the cupola, the roof would be flat and the boathouse would be at the 15’ mark, which was a reference above the high water table, not off the actual land. She was asking for relief for a 5’ tall cupola to be built on top. The cupola itself was 9’ 9.5” x 9’ 9.5”. The boathouse was not completely square and the geometry came from keeping a 4 pitch on the roof structure itself, which was requested if using asphalt shingles. The cupola would provide both natural light and ventilation to reduce the production of mold; it was not habitable. She stated that the next-door abutter, Brian Connelly, reviewed the plans and he was in support of this proposal. She also noted that the abutter across the street would most likely not be affected by the cupola. There was an existing u-shaped, 3-slip dock that was going to be taken out and replaced with one exterior slip and the other two slips would be inside the dug in boathouse, which was allowed by DES; everything else about the boathouse was conforming. The State allowed a boathouse to be at a maximum of 20’, and the Town of Alton had a 15’ maximum.

Paul LaRochelle asked where the residence was that went with this piece of property. Aimee Bentley stated that the residence was close by and actually, it would be torn down some time in the future and rebuilt with a new conforming residence. The location of the boathouse seemed to be in the best spot because that area was shallow. Paul LaRochelle noted that the boathouse was pulled back some towards the house. Jesse Lindland stated that was taken into consideration to allow the docks to be more conforming; the existing u-shaped docks were nonconforming. Paul LaRochelle thought that the view from the direct abutter would not be blocked. Aimee Bentley agreed. Frank Rich thought that the new boathouse would actually constrict the owners view more than anyone else’s would. Lou LaCourse noticed on some of the pictures that the submersed dock had already been removed. Aimee Bentley stated that when she took the pictures, the builders had already started to install the silt fence. Jesse Lindland stated the original u-shaped dock was under water due to ice flow damage. The furthest left slip was actually a right-of-way for the neighbor across the street; that was why Mr. Capolupo decided to repair

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just that one pier depicted in the picture. That slip would eventually be dragged in further inwards to be more conforming because the property line extended out into the water. Frank Rich asked if the boathouse would have lighting. Aimee Bentley stated there would most likely be a light fixture in the interior of the boathouse.

Paul LaRochelle asked Aimee Bentley to explain what the hardship was. She stated that earlier she mentioned the issue with the 4-pitch roof in order to keep the asphalt shingles, this would be in keeping with the surrounding structures that had been allowed this type of cupola, and if there was no cupola, it would create a flat spot on the roof; therefore, for functional and aesthetic reasons, she felt there was a hardship. Paul Monziona stated that the Zoning Ordinance included a regulation on cupolas. John Dever, III, stated that originally, the applicant had applied under that ordinance, but it did not pertain to boathouses, which was why they reapplied.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Paul LaRochelle moved the Board onto the worksheet.

Lou LaCourse stated that the variance **will not** be contrary to the public interest. He stated that the variance would not adversely impact the view of neighbors or abutters due to the location of the boathouse, which seemed to be on the end of a peninsula.

All Board members agreed.

Frank Rich stated that the request **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan, and with the convenience, health, safety, and character of the district within which it is proposed. He stated that the project would help prevent mold, and the character of what the roofline would look like versus the cupola helped enhance the building itself.

All Board members agreed.

Paul LaRochelle stated that by granting the Variance, substantial justice **will** be done. He stated this project would be an improvement because the applicant was removing some docks that were in disrepair, and was improving the lot for beautification. He thought substantial justice applied. Tim Morgan stated that the benefit to the applicant far outweighed any detriment to the public.

All Board members agreed.

Paul Monziona stated that the request **will** not diminish the value of the surrounding properties. He stated that no one had come forward to present any facts or evidence that would indicate that the value of surrounding properties would be diminished. The Board had talked about the potential impact in terms of view from other properties; the one abutter that could be impacted had reported to be in favor.

All Board members agreed.

Tim Morgan stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) **No** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;

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(ii) The proposed use is a reasonable one.

He stated the use was reasonable. He thought that the hardship was caused because a couple of things: 1. The way that the boathouse had to be constructed to be drawn back into the property and kept to a low line, which impacted what could be done with the roofline; and 2. He thought the ordinance itself created a hardship for this sort of construction. Lou LaCourse stated that as long as there was no negative impact on abutters regarding the views of the lake that a cupola should be allowed. Frank Rich stated that he mentioned before that the only person that really would be impacted was the owners themselves. All Board members agreed.

**Lou LaCourse moved to GRANT the Variance for Case #Z19-01.
Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).**

Paul LaRochelle stated at this time, the Board would take a short 5-minute recess.

<p>Case #Z19-02 Joseph N. Berry, LLS, of Berry Surveying & Engineering, Agent for Howard H. & Suzanne K. Barron, Owners</p>	<p>21 Richardson Drive Map 38 Lot 49</p>	<p>Special Exception Lakeshore Residential (LR) Zone</p>
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A Special Exception is requested from **Article 300 Section 320B. 5.** of the Zoning Ordinance to permit the voluntary replacement of an existing nonconforming structure. This relocation will make this lot/structure less nonconforming.

The Chairman read the case into the record.

Present were Christopher Berry, LLS, agent and Howard H. & Suzanne K. Barron, owners.

**Lou LaCourse MOVED to accept application # Z19-02 as complete.
Tim Morgan seconded. Motion PASSED with a vote of (5-0-0).**

Christopher Berry came to the table. He noted that this project pertained to two parcels of land, Map 38 Lot 49 and Lot 48. The existing structure sat along the water's edge. The septic system was not State approved and the location of it was currently unknown. Water was provided to the site down by a small community water system. There was a small boathouse located on site with a small docking area. The current access to the property was off Richardson Drive, which was a private road. The request was to take that structure and rebuild it, move it away from the water because currently the structure was right at the edge of the abutter's property and right up against the water. If the new structure was built back more, it would leave the front deck at 14.5' from its closest point to the water's edge. The structure was unable to be moved completely outside of the 35' setback to make it conforming because they would then be too close to Richardson Drive. The project also included a new septic system and to install a new water supply on the abutting lot; therefore, all utilities would be proposed on the applicant's land. The project required subsurface approval and required a shoreland protection approval. The project would be a

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betterment to the water's edge because it was taking a structure and moving it away, making it less nonconforming. There were some plantings being proposed to generate a more natural woodland buffer, which was required by the Shoreland Protection Act. A porous walkway was being proposed in order to let the stormwater be infiltrated back into the ground, leaving less discharge into the lake. Three corners of the structure had infiltration trenches along the side of the structure, which would capture the stormwater coming off the roof. This project increased the impervious ground by 2%.

Christopher Berry thought that the applicant met all of the criteria for a Special Exception. He read the application for the record. He noted that there was a current residential structure on the property and the applicant was going to rebuild a residential structure, but it would be further from the water's edge, which would leave an increase in buffering. A letter was submitted by the abutter from the South and at tonight's meeting, he was given a letter from the abutter from the North who were both in agreement with the project. As part of the second application, the parking area that was located against Richardson Drive was proposed to be moved towards the garage; therefore, traffic in that area would be reduced. He noted that the biggest nuisance was stormwater and he thought that what he had presented showed that there was an increase in the amount of water being captured and infiltrated back into the ground. There were overhead utilities to the house now, but they would be removed and reinstalled on the new construction. The sewer and water was proposed as mentioned earlier. He thought that the ordinance allowed people to improve their lots/homes/livelihood as long as it was a betterment to the environment and to the Town of Alton.

Paul Monzione inquired about how the stormwater would be infiltrated from the structure. Christopher Berry stated that the roof of the proposed structure had gutters and downspouts that would capture stormwater, and then infiltrate into the infiltration trenches. He noted that Thomas W. Varney, P.E., used dry wells in the sample, but they like to use infiltration trenches because they could be run along the edge of the home instead of just having an isolated spot for the water to infiltrate; they were similar to French drains. Tim Morgan asked if Richardson Drive was a private way, and if it had an easement. Christopher Berry stated it was private and there was an easement over Mr. & Mrs. Barron's property. Tim Morgan noted that the house could not be moved back much and inquired about the setback from the house to Richardson Drive. Christopher Berry stated it was a 25' setback, but he did not want to have the structure crowded towards the street because there needed to be access to the street for vehicles, snow plowing, and pedestrians. Tim Morgan asked, since the owner owned the adjacent lot, if a lot line adjustment would assist with their request. Christopher Berry stated, no, because the Special Exception was seeking to allow the structure to be moved away from the water, but still be with the 35' setback. Tim Morgan noted that the next case was requesting a garage on the adjacent property. Frank Rich asked what Richardson Drive was used for, and did Mr. & Mrs. Barron use that to access their home. Christopher Berry stated, yes, it was used by other homeowners to access their homes. Frank Rich asked for some more clarification on the gutter system. Christopher Berry explained that stormwater would run off the roof into the gutters, and then it would drain down into the downspout, and instead of it running onto a piece of concrete, the downspout would run into some stone that was encapsulated in some fabric; it performed somewhat like a leach field. Paul LaRochelle mentioned that process worked quite well because it did not let anything run into the lake. Christopher Berry stated that the drains were located in different areas and they ran along the perimeter; there was also a sub drain at the basement level. He did not want massive amounts of water directed right at the foundation. Paul LaRochelle thought that Christopher Berry did a

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very thorough job with the design and explaining the project.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Paul LaRochelle moved the Board onto the worksheet.

Frank Rich stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B. He stated that the plat had been submitted properly, and he thought that the presentation was well presented and very detailed.

All Board members agreed.

Paul LaRochelle stated that the specific site **is** an appropriate location for the use. He stated that the Board liked to see property owners taking old structures and building new ones that were less nonconforming. The structure was being moved back from the lake and proper vegetation was being planted, along with installing proper drainage. Paul Monzione stated that the use was not changing. All Board members agreed.

Paul Monzione stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated that there was no incompatible land use that was proposed, and there was no evidence of any kind presented that property values would be reduced because of incompatible land uses. This project would likely increase property values in the district. Frank Rich also thought it would substantially increase the property values in the surrounding area.

All Board members agreed.

Tim Morgan stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there were a couple of letters from abutters who were in support of the project.

All Board members agreed.

Lou LaCourse stated that 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. He stated that everything that was proposed was being done within the property proper and looked to be specifically designed to not interfere with the Richardson Drive right-of-way. Paul Monzione did not think there was anything that was proposed that would in any way going to create a nuisance or hazard to pedestrian or vehicular traffic, or interfere with access ways or off street parking.

All Board members agreed.

Frank Rich stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated that it was noted that the applicant could not find the septic system, but they were installing a new. He thought that the plan was very conducive to the topography of the land and the shoreline area. Paul Monzione stated that permits/approvals from the State were still pending and had not yet been obtained; conditioned on that, he agreed.

All Board members agreed.

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Paul LaRochelle stated there is adequate area for safe and sanitary sewage disposal and water supply. He stated that it was mentioned before that this process needed to be worked through with the State, but it appeared that there was adequate area. Paul Monziona agreed that there was adequate area for safe and sanitary and sewage disposal and water supply conditioned on appropriate approvals being provided by the State and the plan being implemented by the applicant. Lou LaCourse thought that the plan showed the septic field to be a significant distance from the water. All Board members agreed.

Paul Monziona stated that the proposed use or structure is consistent with the spirit of the ordinance, and the intent of the Master Plan. He thought that this was exactly the kind of improvement that the Zoning Ordinance intended to accommodate. He thought that the Master Plan talked about maintaining certain aesthetics and protection of the lake; this plan was consistent with those purposes. Lou LaCourse thought that the way the plan was presented and the detail of how it would be put together was exactly the kind of thing the Board looked forward to seeing.

All Board members agreed.

Paul Monziona moved to GRANT the Special Exception for Case #Z19-02, conditioned on the applicant obtaining all of the appropriate approvals from the State and implementing those plans in accordance with the approvals.

Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).

<p>Case #Z19-03 Joseph N. Berry, LLS, of Berry Surveying & Engineering, Agent for Howard H. & Suzanne K. Barron, Owners</p>	<p>21 Richardson Drive Map 38 Lot 48</p>	<p>Special Exception Lakeshore Residential (LR) Zone</p>
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A Special Exception is requested from **Article 300 Section 360 2.** of the Zoning Ordinance to permit a non-habitable garage as the principal building on the lot.

The Chairman read the case into the record.

Present were Christopher Berry, LLS, agent and Howard H. & Suzanne K. Barron, owners.

Lou LaCourse MOVED to accept application # Z19-03 as complete.

Frank Rich seconded. Motion PASSED with a vote of (5-0-0).

Christopher Berry came to the table. He noted that in the former application he mentioned a vacant lot that was across from Richardson Drive that had a small parking area. He was requesting that a garage be allowed to be on the lot by itself so at some point in the future it could accompany a residential home, which was why they did not look into a lot line adjustment for the prior application. Mr. & Mrs. Barron have received a NH DOT permit from District 3 to allow a driveway, which would allow for more parking area off from Richardson Drive and would increase the accessibility to the roadway. Christopher Berry

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noted that there was some grading in that area to allow the construction of the driveway. Stormwater was being captured by a slot drain and infiltrated through an infiltration trench, which would prevent the stormwater from crossing Richardson Drive down into the lake.

Christopher Berry read the application for the record. He stated that if a residential home was on this lot already, then the garage would be allowed. He thought that he had shown the Board during the previous application that the other neighbors had garages, so he did not think values would be reduced. He mentioned again that there were two letters from abutters that did not object to this project as long as access was not blocked from Richardson Drive. Currently the applicants parked in a small parking area and the rear ends of the vehicles were slightly onto Richardson Drive; by allowing construction of the garage, that parking would cease and access would be increased. The garage would not impede pedestrian traffic because it was away from the street and it was on its own lot. The garage would not have any water or sewer hooked up to it, but it would have electricity. He thought that the proximity between the house and the garage was reasonable. Lou LaCourse pointed out that there appeared to be a set of stairs on the plan and he wanted some clarification on that. Christopher Berry stated he had discussed it with the applicant and at this time, they were unsure how that was going to be finished; there was a three foot difference in elevation in that area. He thought that some grading might be able to happen; therefore, the stairs would not be needed. Paul Monzione asked if the elevations and architectural aesthetics of the plan were actual. Christopher Berry stated, yes, that Jesse Lindland's company had prepared them. Paul Monzione pointed out that the plans had to be strictly adhered to, and that the applicant could not at some point during construction decide to have plumbing hooked up to the garage; although, the applicant could come back to the Board to request same. Christopher Berry agreed.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Paul LaRochelle moved the Board onto the worksheet.

Paul LaRochelle stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B.

All Board members agreed.

Paul Monzione stated that the specific site **is** an appropriate location for the use. He stated that there was a zoning ordinance that permitted a structure such as this to be a stand-alone structure on a lot without a residential home.

All Board members agreed.

Tim Morgan stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated that there was not testimony with respect to property values; however, the Board was aware that other abutters had asked for similar requests and were granted them. He did not think this project would affect any property values. Frank Rich noted that the abutters had mentioned that it would increase the values of their properties.

All Board members agreed.

Lou LaCourse stated there **is no** valid objection from abutters based on demonstrable fact. He stated that

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the Board received two letter from abutters that were in complete support of this project.
All Board members agreed.

Frank Rich stated that 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. Lou LaCourse stated that the plan indicated that it would remove some hazard to pedestrians because of the parking area against Richardson Drive.
All Board members agreed.

Paul LaRochelle stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated that the only proposal was electricity to be brought to the garage; there was no water or sewage proposed at this time.
All Board members agreed.

Paul Monzione stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He mentioned that there was not going to be any septic or water supply in the building as represented by the applicant.
All Board members agreed.

Tim Morgan stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan. He stated that the warrant article from a couple of years ago specifically contemplated this sort of project.
All Board members agreed.

**Lou LaCourse moved to GRANT the Special Exception for Case #Z19-03 conditioned on the applicant obtaining all of the appropriate approvals from the State and implementing those plans in accordance with the approvals.
Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).**

OTHER BUSINESS

2. New Business:

- a. Discussion regarding appointing alternates.

Paul LaRochelle noted that the chairman could appoint an alternate without a vote from the rest of the Board.

3. Approval of Minutes: December 6, 2018

**Lou LaCourse MOVED to accept the minutes of December 6, 2018, as presented.
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-1).**

**TOWN OF ALTON ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES 2019
JANUARY 3, 2019**

DRAFT

4. Correspondence:

DISCUSSION:

John Dever, III, noted that Colchester Properties had filed an appeal with the court; Jessica Call, Zoning Secretary, and Shaun Tanguay, Esq.'s, office were in the process of getting all of the paperwork together in order to get them certified and ready for court.

Lou LaCourse informed the Board that he was not going to run again for his seat once it was up in March. He thought that maybe he might even run as an alternate.

Paul LaRochelle informed the Board that he had put his name in to run for a seat on the Board of Selectmen.

ADJOURNMENT

At 9:10 P.M., Tim Morgan MOVED to adjourn.

Paul Monziona seconded the motion, and it PASSED by a vote of (5-0-0).

Respectfully submitted,

Jessica A. Call
Recording Secretary