

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
Thursday, January 6, 2022, at 6:00 PM
Alton Town Hall**

MEMBERS PRESENT

Thomas Lee, Chair – excused absence
Paul Monziona, Vice Chair– excused absence
Frank Rich, Member/clerk
Paul LaRochelle, Selectman’s Representative
Tim Morgan, Member
Mike Hepworth, Alternate Member – excused absence

OTHERS PRESENT

John Dever, III, Code Enforcement Officer
Keith Dube, applicant
Andrea Dube
James Hayden, White Mountain Survey & Engineering, Inc.
John Goodrich, applicant
Lisa Nicastro, applicant

CALL TO ORDER

Mr. Rich called the meeting to order at 6:00PM.

INTRODUCTION OF BOARD MEMBERS

Roll Call was taken for the Board members and individuals present at Town Hall.

APPOINTMENT OF ALTERNATES

No alternates were present. Mr. Rich stated since there are only three members of the Board present, each applicant will have the opportunity to continue their case at no extra cost to the applicant.

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 that 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.

APPROVAL OF AGENDA

The Board reviewed the agenda. No changes were made.

Mr. Morgan made a motion to approve the agenda as presented. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

CONTINUED APPLICATIONS

(Continued from the December 2, 2021 meeting)

Case #Z21-31 White Mountain Survey & Engineering, Inc., as Agent for Laura E. Ogonowski-Michaud Family Trust, Owner	Map 38 Lot 23 51 Keewaydin Drive	Special Exception Lakeshore Residential (LR) Zone
--	---	--

A **Special Exception** is requested from **Article 300, Section 320 J.** of the Zoning Ordinance to permit the demolition of two existing nonconforming structures and replace them with a more conforming structure composed of a single family home and attached garage.

Mr. Rich read the public notice into the record and reopened the case.

James Hayden, White Mountain Survey & Engineering, Inc., as agent for Laura E. Ogonowski-Michaud Family Trust, owner, requested to continue the public hearing due to there only being three Board members present, noting the applicants had planned to complete work during the winter months when other property owners are not around. He asked if the Board would be able to meet sooner than next month. Mr. Rich stated they can try but it may be difficult with illnesses and other issues. Mr. Dever noted the continue date has to be set but there is adequate time for notice (five days). He agreed with the plans to get work done when the road and ground is frozen; he stated they typically advice holding off on demolition until a decision has been issued by the Board. After discussion, it was agreed to continue to February 3, 2022 at 6:00PM.

Mr. Morgan made a motion to continue the public hearing for Case #Z21-31 to February 3, 2022 at 6:00PM. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

NEW APPLICATIONS

Case #Z22-01 Piperdube, LLC, c/o Keith Dube, Owner	Map 2 Lot 12 800 Suncook Valley Road	Special Exception Rural (RU) Zone
---	---	--

A **Special Exception** is requested from **Article 400, Section 401 D. 17.** of the Zoning Ordinance to permit a Contractor’s Yard as defined in the Zoning Ordinance.

Mr. Rich read the public notice into the record. Mr. Dever stated the application has been through review with the Planning Board. Mr. Dube stated he is comfortable moving forward with three members of the Board; he stated everything seems to have been covered with the engineers and the Planning Board.

The Board reviewed the application for completeness.

Mr. Morgan made a motion to accept the application for Case #Z22-01 as complete. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

Keith Dube, applicant, stated he purchased the property in 2019 with the purpose of relocating his business. He gave a summary of his history with the property which included construction of a garage and an apartment for use by his father; he was then advised by Mr. Dever that he needs approval for a contractor yard; he has also discussed putting in a self-storage facility. Mr. Dube stated the plans have been engineered with Norway Plains, including storm water management plans. He stated he doesn’t stockpile materials other than winter road sand which is stored in a concrete bin; there is a storage container for personal items. He stated three trucks are stored on the property along with a couple pieces of equipment. Mr. Dube stated during the summer he has 4 to 5 employees but only a couple during the winter months with work being weather dependent on snow. He stated the hours of operation during the summer are 8:00AM to 5:00PM typically. He clarified there are no retail or sale operations.

Mr. Morgan asked about the line of site on Route 28. Mr. Dube stated there is ¼ mile sight lines in each direction. He has also discussed this with the New Hampshire Department of Transportation and no concerns were indicated for the storage facilities. There will be no pedestrian traffic.

Mr. LaRochelle asked if there will be any buffer from Route 28. Mr. Dube stated there is about 55’ of trees and vegetation; he will maintain as much buffer as possible on all the property lines.

Mr. LaRochelle confirmed there will be two self-storage buildings. Mr. Dube stated that is correct; they are planning to go before the Planning Board on January 18 for final approval.

Mr. Rich asked if Mr. Dube has had any conversations with neighbors in the area. Mr. Dube stated he has talked with them; only Mr. Gray had concerns about headlights shining in his yard but Mr. Dube will be meeting with him again to go over the specifics of the plans; all lights will be shining downward. Mr. Dube stated he will be restricting access hours for the storage units, possibly with an automatic gate.

Mr. Rich asked if Mr. Dube plans to do maintenance on the trucks and equipment. Mr. Dube stated they do equipment maintenance twice per year but he won’t be doing work on his trucks on the property.

Mr. Dever noted a snowmobile trail runs along the rear part of the property line and will pass by the storage units.

Mr. Rich opened the public hearing to input in favor of the application. None was indicated.

Mr. Rich opened the public hearing in opposition to the application. None was indicated.

Mr. Rich closed the public portion of the hearing.

Discussion – Case #Z22-01

The Board must find that all the following conditions are met in order to grant the Special Exception:

Mr. Morgan stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B. The Board agreed.

Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the use is not changing. The Board agreed.

Mr. LaRochelle stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. The Board agreed.

Mr. Morgan stated there **is no** valid objection from abutters based on demonstrable fact. No abutters came forward and no letters or communications in opposition were received. The Board agreed.

Mr. Rich stated 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 plans have been presented which look appropriate and the applicant has discussed the plans with NH DOT representatives and there are no concerns. The Board agreed.

Mr. LaRochelle stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure. He stated the structure is existing with occupancy. The Board agreed.

Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated the supply is adequate for a contractors' yard. The Board agreed.

Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan. Mr. Morgan noted a warrant article was approved a number of years ago that allows this use by Special Exception. The Board agreed.

Mr. Morgan made a motion to grant the application for Special Exception for Case #Z22-01. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

OTHER BUSINESS

1. Previous Business:

a. Board to approve the Site Walk minutes of Sunday, November 21, 2021

The Board reviewed the draft minutes.

Mr. LaRochelle made a motion to approve the minutes as presented. Mr. Rich seconded the motion. Motion passed, 2-0-1. Mr. Morgan abstained.

b. Approval of minutes: ZBA meeting minutes of September 2, 2021.

The Board reviewed the draft minutes.

Mr. Morgan made a motion to approve the minutes as presented. Mr. Rich seconded the motion. Motion passed, 2-0-1. Mr. LaRochelle abstained.

2. New Business:

a. Request for Rehearing, Case#Z21-29, John Goodrich, Lisa Nicastro, Map 9/Lot 33-2, 239 Henry Wilson Highway, Contractor's Yard, Special Exception, Residential Rural (RR) Zone

The Board reviewed the request for a rehearing. Mr. Dever confirmed he reviewed this with Town Counsel. He confirmed the request was submitted within 30 days of the date of decision or when the meeting minutes become available. He also explained the NH Housing Appeals Board won't have anything to do with this at this point; statutorily, the case will come back to the Zoning Board of Adjustment before going to the appeals board. Mr. Dever will follow up and confirm the appeals board process.

Mr. Rich stated the members who voted on the case originally, should be part of the reconsideration however there is not a quorum of participating members at this meeting. Mr. LaRochelle noted all members won't be available until April. Mr. Dever noted the statute also recommends the original voting members participate.

Mr. Morgan made a motion to determine the applicants' protected their rights for an appeal with a timely filing in the correct venue. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

Mr. Rich stated he would prefer to wait for all participating members be present to ensure they handle the rehearing appropriately and with fairness to the applicant. The Board discussed the situation with the applicants.

Mr. Morgan made a motion, with concurrence of the applicants, to continue this request for consideration whether there will be a rehearing, at the February 3, 2022 meeting. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

Mr. LaRochelle made a motion to continue the request for rehearing for Case #Z21-29 to the next meeting. Mr. Morgan seconded the motion. Motion passed, 3-0-0.

3. Approval of Minutes: ZBA meeting minutes of December 2, 2021

Postponed.

4. Correspondence: None.

ADJOURN

Mr. Morgan made a motion to adjourn. Mr. LaRochelle seconded the motion. Motion passed, 3-0-0.

The meeting was adjourned at 7:23PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary