

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
DRAFT MINUTES
Public Hearing
January 7, 2016
(Approved April 4, 2016)**

I. CALL TO ORDER

Timothy Morgan, Chair, called the meeting to order at 6:05 p.m.

The following members were present: John Dever III, Code Enforcement Officer; Timothy Morgan, Chair, Paul Monziona, Vice Chair, and Paul Larochelle, Member. Lou LaCourse, Member, and Steve Miller, Member, were absent.

II. APPOINTMENT OF ALTERNATES

T. Morgan announced that only three board members were present, due to the Alton Budget Committee Public Hearing that was taking place. He noted that there were no alternates to appoint and asked the attendees if they would like a continuance. He stated that the board would waive the rule for two continuances, if anyone wishes to ask for a continuance this evening.

There was a question about the make up of a quorum, and T. Morgan explained that a quorum was present, but that two board members were absent.

T. Morgan polled the attendees:

Z16-01 - Collin C. Spence: Opted to continue to the Feb. 4 meeting.

Z16-02 & Z16-03 - Golden Arch Limited Partnership: Opted to continue to the Feb. 4 meeting.

Z16-04 & Z16-05 - George & Linda Freese: Asked to have their application heard this evening.

III. STATEMENT OF THE APPEAL PROCESS

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

III. APPROVAL OF THE AGENDA

There was a brief review of the agenda. J. Dever stated that there was a case number to be added to the request by George and Linda Freese, application Z16-04, and that Z16-05 would be added to the agenda.

P. Monziona motioned to approve the agenda, as amended, with the two continuances, and the addition of the case number Z16-05, as part of the request for a decision by George and Linda Freese, with case Z16-04. Second by L. LaCourse. The motion passed by unanimous vote. (3-0-0)

V. NEW APPLICATIONS

Z16-04 & 05 George & Linda Freese	Map 35; Lot 21 *22	Special Exceptions 157 East Side Drive
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On behalf of George and Linda Freese, Samyn-D'Elia Architects is requesting a Special Exception from Article 300, Section 320 B. 5. and 328. C, of the Zoning Ordinance to permit a replacement of an existing non-conforming garage as a principal building on the lot and for a new chimney above 35' height restriction. This property is located in the Lakeshore Residential (LR) Zone.

There was discussion of the requests by George and Linda Freese, in regards to the notice given to abutters. It was noted that there were two requests files as part of the case that was filed, as one part was for the replacement of a non-conforming garage, and the second part, was for a new chimney above the 35' height restriction.

The agent for the applicant, Ted Davis, of Samyn-D'Elia Architects, orally amended Z16-04, in section 320 B. 5., and 324, and reported that there had been a garage on the property and that they were planning to replace the garage.

P. Monziona discussed the notification that was posted for Z16-04, which was for a non-conforming garage on Lot 22, and Z16-05, which is to allow construction of a chimney taller than 35' for the new house on Lot 21, 157 East Side Drive. T. Morgan stated that he was uncomfortable with the notification for the two cases, and P. Monziona stated that he felt it would be cleaner if it was noticed properly. The applicant stated that he would be glad to have Z16-04 re-noticed and have the request heard at the next meeting.

It was decided, by consent of the applicant, that only Z16-05 would be heard by the board at this meeting.

The board reviewed the application.

P. Monziona motioned to accept application Z16-05 for a Special Exception, for the chimney, as complete. Second by P. Larochelle. The motion passed by unanimous vote. (3-0-0.)

T. Morgan moved the board to the worksheet:

P. Larochelle stated that the plan ***had been accepted*** in accordance with the Town of Alton Zoning Ordinance Section 520 B, T. Morgan and P. Monziona agreed.

T. Morgan stated that the specific site ***is*** an appropriate location for the use. P. Larochelle and P. Monziona agreed.

P. Monziona stated that factual evidence ***is*** found that the property values in the district will be reduced due to incompatible use. P. Larochelle, and T. Morgan agreed.

P. Larochelle stated that there ***is no*** valid objection from abutters based on demonstrable fact. He noted that there was one abutter speaking against the application. T. Morgan and P. Monziona agreed.

T. Morgan stated that there ***is no*** undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off-stage parking. P. Monziona and P. Larochelle agreed.

P. Monziona stated that adequate and appropriate facilities and utilities ***will*** be provided to ensure proper operation of the proposed use or structure. P. Larochelle and T. Morgan agreed.

P. Larochele stated that the sewage is accurate area for safe and sanitary sewage disposal and water supply. T. Morgan and P. Monziona agreed.

T. Morgan stated that the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. P. Monziona noted that it was mentioned in the Master Plan that there may be chimneys and copulas that may be above the 35' line. P. Monziona and P. Larochele agreed.

P. Larochele motioned to approve the request for a Special Exception in application Z16-05. Second by P. Monziona. The motion passed by unanimous vote. (3-0-0.)

VI. Previous Business

S. Miller joined the meeting at approximately 6:40 p.m. He reported on a meeting he had with the NH Department of Environmental Services recently, and the lack of a Capital Improvement Plan or Capital Utilization Plan.

VII. New Business

There was no new business.

VII. Minutes (December 2, 2015)

P. Monziona motioned to table to meeting minutes from December 2, 2015. Second by P. Larochele. The motion passed by unanimous vote. (4-0-0.)

VIII. Correspondence

J. Dever noted that there was an invitation to the Town Administrator's and Zoning Administrative Assistant's retirement party, on February 9.

IX. Adjournment

P. Monziona motioned to adjourn. Second by P. Laroche. The motion passed by unanimous vote. (5-0-0.)

The meeting adjourned at 6:52 p.m.

Respectfully Submitted,

Krista Argiropolis
Recording Secretary