

Approved by the board 11-1-07

Called to order at 7:05 p.m. by Marcella Perry

Present: Marcella Perry-Chairman, Timothy Morgan, Timothy Kinnon, Steve Hurst, Monica Jerkins-  
Planning Assistant, Carolyn Schaeffner-Recording Secretary

No alternates to appoint

Statement of Appeal Process:

Approval of Agenda:

The applicant has requested the following case to be continued to the April 5, 2007 hearing:

<b>Case Z07-01</b>	<b>Map 39, Lot 28</b>	<b>Variance</b>
<b>John &amp; Paula Hughes</b>		<b>453 East Side Drive</b>

Continued from the February 1, 2007 hearing.

<b>Case Z06-38</b>	<b>Map 23, Lot 3</b>	<b>Special Exception</b>
<b>Corinne Claunch</b>		<b>41 Rustic Shores Road</b>

Continued from the February 1, 2007 hearing.

<b>Case Z06-39</b>	<b>Map 23, Lot 3</b>	<b>Variance</b>
<b>Corinne Claunch</b>		<b>41 Rustic Shores Road</b>

Continued from the February 1, 2007 hearing.

**Motion** by M. Perry to accept the agenda as amenda. Second by T. Morgan. No discussion. Vote unanimous.

### **New applications**

<b>Case Z07-05</b>	<b>Map 57, Lot 9</b>	<b>Variance</b>
<b>Gerald &amp; Linda Paxton</b>		<b>304 Woodlands Road</b>

Application submitted by Dennis Rialland of Brown Engineering on behalf of the property owners Gerald and Linda Paxton to request a variance from Article 400, Section 412-B-1© Restrictions Governing use – to permit access to a new lot from an existing private road. The property is located within the Lakeshore Residential Zone.

Present for this case: Gerald Paxton, Dennis Rialland.

**Motion** by T. Morgan to accept the application for Case Z07-05 for a Variance. Second by M. Perry. No discussion. Vote unanimous.

G. Paxton described the property from map presented. Purpose to gain access to new house lot. Three options. First option to put a 30 ft driveway along Rum Point Road which would cross wetlands. Second option would be having a shared road with lot number 1 but would also have to cross over wetlands. Third option would be what they are requesting tonight to put a driveway off of Rum Point Road.

S. Hurst asked about the condition of the road and noted Fire Chief comment of equipment access.

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G. Paxton described on the map where it is paved. Noted it has been upgraded and fire equipment has been on that road because a neighbor's garage burned.

T. Morgan asked about maintenance.

G. Paxton noted maintained by 7 persons.

M. Perry asked how long and wide is proposed driveway and this will be subject to new driveway standards.

M. Jerkins noted new driveway standards were created

T. Kinnon noted review from Planning Dept

D. Railland relief from Article 400, Section 412-B-1(c) relief from the existing private road.

T. Kinnon Rum Point Road is a class 6 road.

Open to the public.  
None seen or heard.  
Closed to the public.

Board moved to deliberations for the Variance.

1. not contrary to public interest. All agree
2. request is in harmony. All agree.
3. substantial justice will be done. All agree.
4. will not diminish value of surrounding properties. All agree.
5. Area Variance is needed and cannot be achieved by some other method. All agree.

**Motion** by M. Perry to approve the Variance for case Z07-05 with the exception of using the driveway standards. Second by T. Kinnon. No discussion. Vote unanimous

**Case Z07-03** **Map 52, Lot 39** **Variance**  
**Virginia Whitney** **170 Route 11D**  
Application submitted by Arthur Hoover, Esq. on behalf of property owner Virginia Whitney to request a variance from Article 300, Section 327:A-3 Setback Requirements to allow an existing structure to be replaced by a similar structure, part of which will be within the building setback. The property is located within the Lakeshore Residential Zone.

**Case Z07-04** **Map 52, Lot 39** **Special Exception**  
**Virginia Whitney** **170 Route 11D**  
Application submitted by Arthur Hoover, Esq. on behalf of property owner Virginia Whitney to request a special exception as required by Article 300, Section 320 Expansion of a Non-conforming Structure to allow for the repair and renovation of an existing cottage including the addition of a basement. The property is located within the Lakeshore Residential Zone.

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Present for this case: Attorney Arthur Hoover and Virginia Whitney and Raymond Leslie.

Notice requirements for Variance.

Withdrawing application for Special Exception.

**Motion** by T.Morgan to accept the application for Case Z07-03 as complete. Second by M. Perry. Discussion by T. Morgan drawings are hand sketched. A. Hoover noted the footprint is the same. M. Perry noted the dimensions are not the same. A. Hoover noted an add on is eliminated so proposed is less than original structure. T. Kinnon noted this is discussion of the application and it has not been accepted. M. Perry noted if this is accepted they are accepting the waivers. Waiver for 7.1 through 7.5.13, Attorney Hoover confirmed yes. T. Kinnon explained the reason they would like a plat is to show every application showing where the property is. M. Jerkins noted the waivers for the special exception. If the septic design shows the structure the Board would accept that plan. No further discussion. Vote unanimous to accept the application as complete.

A.Hoover described the application and the reason for filing. This is a non-conforming structure on a non-conforming lot. Build an existing structure same footprint, but add a basement and higher structure. Statement from Whitney stated cottage in family since 1957. Used as a seasonal residence. Setback on one side of the house that is 5 ft from property line.

T. Morgan asked who owns the right-of-way.

A. Hoover noted this is not known. He then went through his reasoning for the Variance.

T. Morgan asked for the height increase

Builder stated 16 feet increase

T. Morgan will this obstruct the view shed

V Whitney noted no one is across the road.

T. Kinnon asked if they have public water

V. Whitney noted shared well with house in front of her house.

Open to the public

Robert Holmberg abutter in favor of the project. Asked what is being done with culvert. Noted this flows pretty good.

Builder noted pipe is staying and not moving. Putting in a swale and will be covered with stone.

Builder noted code officer looked at the culvert and expressed this was a good plan for the culvert.

No further input seen or heard.

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Closed public input.

Board moved to deliberations.

1. not contrary to public interest. All agree.
2. request is in harmony. All agree.
3. substantial justice will be done. All agree
4. surrounding properties will not be diminished. All agree
5. variance is need and cannot be achieved by another method. All agree

Motion by M. Perry to grant the variance for case Z07-03. Second by T. Kinnon. No discussion. Vote unanimous.

**Z07-02**

**Map 14, Lot 20**

**Variance  
East Side Drive**

**Case C & D Realty Trust**

Continued from the February 1, 2007 hearing.

Present for this case: Joe Wicker

S. Hurst expressed concern about abutter letters.

M. Jerkins explained the issues with the abutters letters.

T. Morgan conservation not very well addressed. Noted application does not tell what kind of conservation easement.

Motion by M. Perry to accept the application as complete. Second by S. Hurst. No discussion. Vote unanimous.

J. Wicker noted plans for 8-lot subdivision. Planning Board with formal application. Original design (open space lot). Easement submitted for review for lot 4 is open to 8 homeowners. Limited to 8 homeowners is liability concern. Lot would be constrained. Went through the variance reasons.

T. Morgan asked why lots 4, 5, & 6 couldn't be expanded to absorb this property.

J. Wicker stated they could. Noted having access for all 8 homeowner it would benefit them.

T. Kinnon asked if variance were approved for a conservation easement, who would be the owner?

J. Wicker stated the Town of Alton.

M. Perry stated they needed more information before making this decision on the variance.

J. Wicker would like to continue to next hearing to be able to provide that information.

T. Kinnon. What would enforce that nothing gets built on this lot.

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J. Wicker amend document to help enforce building on this lot.

Motion made by M. Perry to continue to the next hearing as to give the applicant time to provide answers pertaining to the conservation easement, second by T. Kinnon. No Discussion. Vote unanimous.

Request to have someone from conservation commission to be present for this case.

**Other Business:**

1. Approval of Minutes: November 26, 2006, February 1, 2007

Motion by M. Perry to approve the minutes of November 26, 2006 as presented. Second by T. Kinnon

Motion by T. Morgan to approve the minutes of February 1, 2007 as presented. Second by M. Perry.

2. Old Business: None
3. New Business: None
4. Correspondence: received new zoning book.

Discussion of election of chairman. Decided to wait to the full board and decide at the April meeting.

Work session planned April 5 at 6:00 p.m. T. Morgan. T. Kinnon.

Monica will speak to counsel about meeting with him on some specific cases to work on some specific issues.

Motion to adjourn by T. Morgan