

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES - APPROVED
March 1, 2018, 6:00 P.M., Alton Town Hall**

CALL TO ORDER

Paul LaRochelle called the meeting to order at 6:08 P.M.

Board Members Present:

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

Others Present:

John Dever, III, Code Official

APPOINTMENT OF ALTERNATES

Tim Morgan moved to appoint Frank Rich as a full-voting Board member for tonight's proceedings.

Paul Monziona seconded. Motion PASSED by a vote of (4-0-0).

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.

APPROVAL OF AGENDA

Tim Morgan moved to accept the agenda as presented.

Paul Monziona seconded. Motion PASSED by a vote of (5-0-0).

CONTINUED FROM FEBRUARY 1, 2018

Case #Z18-01 Francis X. Bruton, III, Esq., Bruton & Berube, PLLC, Agent for Colchester Properties, LLC	21 Silver Cascade Way Map 39 Lot 11	Administrative Appeal Lakeshore Residential (LR)
---	--	---

Present was Francis X. Bruton, III, Esq., agent for Colchester Properties, LLC.

Francis X. Bruton, III, Esq., came to the table to speak. He stated that he spoke with James Sessler, Board of Selectmen Counsel, and Shawn Tanguay, ZBA Counsel, and they were all in agreement to continue Case #Z18-01 to the next scheduled meeting on April 5, 2018.

Paul Monzione moved to continue Case #Z18-01 to the next scheduled meeting on April 5, 2018. Lou LaCourse seconded. The motion PASSED by a vote of (5-0-0).

Case #Z18-04 & 05 Brian Rhode/Beckwith Builders, Inc., Agent for Phil & Michelle Cioffi	36 Pipers Point Lane Map 21A Lot 5	Special Exception Lakeshore Residential (LR)
--	--	--

Present was Amy Bentley, Architect for Beckwith Builders, Inc.

Paul LaRochelle read the public notice for the record, and informed the Board that the two cases would be heard simultaneously. Paul Monzione stated that he had a personal and professional relationship with Beckwith Builders, Inc., specifically Les Beckwith, the principal of the company. He did not think that with him sitting on the Board to hear this case would influence his ability to be fair and objective. Frank Rich also spoke up with a possible conflict because Les Beckwith had built his own personal house. The applicants did not have any issues with both Paul Monzione and Frank Rich sitting in on this case.

Paul Monzione moved to accept applications #Z18-04 & 05 as complete. Lou LaCourse seconded. Motion PASSED by a vote of (5-0-0).

Amy Bentley, Architect for Beckwith Builders, Inc., came to the table to speak. She stated that what was located on the property was an existing house, a garage that had previously been taken down and moved to another location on the property, and a bunkhouse/boathouse that had a small slip 8’ wide x 4’ high x 30’ in length, which was built in 1911. The bunkhouse/boathouse was structurally deficient with a lot of rot, and it had finished space above. The applicant’s intention was to replace the bunkhouse/boathouse in kind, fill in the slip, and install a u-shaped dock, which they had already acquired wetlands approval.

Amy Bentley stated that the bunkhouse/boathouse was 18’ above high water, and they did not plan to change the height of it. Paul Monzione asked if the 18’ was measured from the roof ridgeline. Amy Bentley stated, yes, but Alton’s current regulations only allowed 15’ in height. Paul Monzione asked if the bunkhouse/boathouse had been 18’ since 1911. Amy Bentley stated that they were proposing to rebuild the bunkhouse/boathouse in kind with some modifications on the exterior, like re-shingling with cedar shingles to match the house, and replace a hipped roof on the side with a gable. John Dever, III, stated that when the restoration of the shoreline and boat slip were completed, the only part of the bunkhouse/boathouse that was going to be over the water was the deck because of the infill.

Amy Bentley stated that the concrete and stone foundation would be fixed. She noted that the State did not allow them to put a concrete foundation underneath the bunkhouse/boathouse, but they could replace the concrete blocks with sonotubes. Paul LaRochelle asked if they were removing the concrete that was currently in the water. Amy Bentley stated that they were placing veneer stones over it. Lou LaCourse asked if the water underneath the bunkhouse/boathouse was considered part of the lake, and if it was, was it okay to fill in part of the lake. John Dever, III, stated, yes, it was considered part of the lake, and the wetlands permit had allowed them to restore the lake by filling in that section under the bunkhouse/boathouse where previous owners had originally dug into the bank.

Amy Bentley shared that the applicant was not changing the use of the bunkhouse/boathouse; there was a small bathroom with a toilet and sink, which was connected to a community septic system, and had private water. She stated that the applicant had received verbal consent from the abutters. The bunkhouse/boathouse only blocked the view of the owner's house. Lou LaCourse stated that as of 2015, the structure was listed as a boathouse, and wanted to know when that was changed from a boathouse to a house. John Dever, III, thought it had not been used as a boathouse in several years, and there were no construction records that stated it was a house. John Dever, III, stated the bunkhouse/boathouse was built in 1911 and used to be part of Camp Kehonka. He estimated the time to probably 1940's or 50's when the previous owners built a deck over the boat slip and started using it as a bunkhouse. He shared that the house on the property was not built until the 1980's and this was not a change of use.

Paul Monziona noted that 320 B.5. was being used because it was a non-conforming use due to a small portion of the building being within the Town's wetland setback, and it exceeded the height restriction of 15', but could be rebuilt in kind because it was grandfathered. He also pointed out that 320 B.2.c. was being used because the cupola further exceeded the height restriction even more.

Lou LaCourse asked how big the cupola was going to be. Amy Bentley stated that the cupola was going to be 5' x 5' with windows that would allow additional light to enter the building. Lou LaCourse asked if the two dormers were existing and if those would be an additional non-conformity. Amy Bentley stated that the dormers currently did not exist, and they would not be a non-conformity because they were not raising the roof height. Frank Rich asked once the portion of the lake was filled in, was there going to be anything under the boathouse. Amy Bentley stated there was going to be soil, and a concrete pad would be poured for the floor deck.

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

Paul LaRochelle moved the Board onto the worksheets. He informed the Board that they would be voting separately on the criteria for each case.

Case #Z18-04

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

All Board Members agreed.

Paul LaRochelle stated that the specific site **is** an appropriate location for the use. He stated that this had been an existing building for many years in the same location and it was going to remain in the same location. Tim Morgan stated it was going to stay the same use.

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 had not been any evidence in respect to property values, but thought that raising and improving a building should increase property values.

All Board Members agreed.

Paul Monziona stated there **is no** valid objection from abutters based on demonstrable fact. He stated that no one was present during the public input portion of the hearing; therefore, there were no objections. Frank Rich stated that there was considerable time and energy to try to accommodate not only the wetlands, but to improve the area; therefore, it could not be construed that abutters would be concerned.

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 no evidence was given that there would be any nuisance whatsoever. There was a blocked lake view from the house, but the house belonged to the owner and it already existed. Paul Monziona did not think that anything about this plan was going to affect pedestrian or vehicular traffic or 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 everything was staying in the same place, but they were being improved.

All Board Members agreed.

Paul LaRochelle stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated that there was an existing septic system that had been approved.

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 proposed structure fit squarely in place under the article and section the applicant had applied under.

All Board Members agreed.

Paul Monziona moved to grant the Special Exception for Case #Z18-04.

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

Case #Z18-05

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

All Board Members agreed.

Tim Morgan stated that the specific site **is** an appropriate location for the use. He stated that the use was not changing, and it was an application to erect a cupola on top of a boathouse to allow for extra light.

All Board Members agreed.

Paul Monziona 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 the construction of the cupola that would exceed the overall height limit should in no way reduce the values due to incompatible land uses. There was no evidence of this in the application or at the hearing.

All Board Members agreed.

Frank Rich stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there were no abutters present at the hearing, and the Board had not received any correspondence from abutters in writing to the contrary. Tim Morgan stated that in the narrative, the applicants stated they had discussed the project with their immediate abutters, whom had no objections.

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. Tim Morgan stated that there was not a lot of pedestrian or vehicular traffic on a structure such as this. Paul Monzione stated that the cupola would not affect pedestrians, vehicular traffic, or parking.

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 the structure was staying the same use, and had the same facilities and utilities.

All Board Members agreed.

Tim Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated it was a cupola on top of the building, and the Board had already found there was adequate sewage disposal and a water supply. Lou LaCourse stated that the cupola would not require sanity disposal or water.

All Board Members agreed.

Paul Monzione 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 ordinance was designed to permit structures such as this cupola, and in fact, there was an ordinance specifically for cupolas if they exceeded the height restriction.

All Board Members agreed.

Frank Rich moved to grant the Special Exception for Case #Z18-05.

Lou LaCourse seconded. Motion PASSED by a vote of (5-0-0).

OTHER BUSINESS

1. Previous Business:

- a.** Case #P18-01, Colchester Properties, LLC, from the February 1, 2018, Zoning Board of Adjustment meeting requires a motion and a vote to accept the application as complete.

John Dever, III, stated that when Jessica A. Call prepared the minutes from the February 1, 2018, ZBA meeting, she found that there was no motion made or vote taken to accept the application as complete, which was the normal routine the ZBA used to accept an application as complete. The Board discussed the issue and concluded that in the case of an appeal to an Administrative Decision, there was no completeness judgement to be made. Therefore, the Board was not going to make a motion or take a vote on completeness.

Paul Monzione asked Francis X. Bruton, III, Esq., if he agreed that an appeal of an Administrative Decision would not be an application for the Board to rule on in terms of its completeness. Francis X. Bruton, III, Esq., agreed it was not necessary.

2. New Business:

John Dever, III, passed out a flyer for the 2018 Spring Planning & Zoning Conference put on by the Office of Strategic Initiatives, which would be held on April 28, 2018, from 8:00 a.m. to 3 p.m. There were two available seats for this event, and if members were interested, they should contact Jessica A. Call in the planning office with the sessions they wanted to attend.

3. Approval of Meeting Minutes:

Tim Morgan moved to continue the approval of the February 1, 2018, to the next scheduled meeting on April 5, 2018.

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

4. Correspondence: None.

ADJOURNMENT

At 7:06 P.M., Frank Rich moved to adjourn.

Lou LaCourse seconded. Motion PASSED by a vote of (5-0-0).

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as presented: May 3, 2018