

Call to Order – Chairman, Marcella Perry at 7:00 p.m.

Present: Town Planner-Kathy Menici, Monica Jerkins, Angela Bystrack, Marcella Perry, Tim Kinnon, Carolyn Schaeffner-Recording Secretary

Appointment of Alternates: Timothy Kinnon

Approval of Agenda:

Case Z06-06, Z06-07 request submitted by attorney to continue the case to the next meeting.

Case Z06-10 abutter notification problems and will be renoticed for April meeting.

Casa Z06-09 applicant requested to wait for April meeting when full Board is present.

Motion by T. Kinnon to accept the agenda as amended. Second by M. Perry to amend the agenda as presented. No discussion. Vote Unanimous.

Purpose of Appeal

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 this hearing is not to gage 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 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.

New Applications:

Case Z06-08	Map 60, Lot 11	Variance
David Herrick		172 Minge Cove Road

Application submitted by Varney Engineering, on behalf of David Herrick, for Variance from the Town of Alton Zoning Ordinance 2005, Article 200, Section 227, - Setback Requirements, Paragraph A.1 [Town of Alton Zoning Ordinance 2006. Article 300, Section 327, Paragraph A.1], to allow the construction of a building located partially within the setback. The property is located at 172 Minge Cove Road and is located in the Lakeshore Residential Zone.

K. Menici read the case into the record. They did not have photos in application packet and the Planner was not able to access the property due to the snow.

Tom Varney, Engineer and Jim Gamble, builder were present for the case.

T. Kinnon disclosed that he has hired Tom Varney and wanted the Board to be aware of this and that he can be impartial in this case.

M. Perry stated she was not able to see the property and the other members present also stated they were not able to go out to see the property.

T. Varney stated they are willing to continue the case.

K. Menici added if there is not a unanimous vote on the application it automatically is denied due to the number of person present on the Board at this meeting.

T. Varney stated they will proceed tonight. Also informed the Board that the Herrick's are not present tonight, they are in Hawaii.

M. Perry disclosed that Jim Gamble is a contractor doing business with Middleton Building Supply and that she can be impartial in this case.

T. Varney read a letter from the Herrick's in their absence. Property been in the family since 1893. Cottage first built in 1897. Owners would like to build a new home on the site with a 3-season home retaining the front porch area. Proposed addition to the home constructed with log construction. Plan to maintain property in its natural state. Referred to the plans that the old cottage in blue and the proposed house in green. Plan is to tear down cottage but replace the porch. Small corner of existing cottage within the 30 ft setback which is the reason for the variance. Notes the 100 year flood line which crosses property line and stated this was unusual. Noted the cross sections of the cottage on the upper part of the plan showing existing and proposed. Noted the new septic design that has been approved. Lot size calculation are under the required 20% lot coverage for the Zoning and Shoreland Protection. Also noted the house will angle toward Sleeper Island and not the Sandbar.

M. Perry inquired the Board for questions.

T.Kinnon questioned the purpose of the corner going over the 30 ft setback. Asked if that is to have it set back from the leech bed?

T. Varney informed it is to tie into the porch and to keep it the same size as the old porch.

M. Perry asked about new septic.

T. Varney noted it was behind the greenhouse. Noted an existing outhouse and there is a holding tank there also.

M. Perry asked dimension of new house.

J. Gamble 56 x 24.

A. Bystrack question on rebuild of porch.

K. Menici informed they are seeking a variance to reconstruct the porch. Noted this may have to come back for Special Exception under Section 220B.2.C, expansion of a building beyond existing boundaries. If approved this will require a special exception.

A. Bystrack asked about septic setback.

T. Varney informed it must be 5 feet from the house and 50 feet from the lake.

A. Bystrack confirmed if corner has to be 25 ft from leech bed and there is approval for septic.

M. Perry asked for a copy of septic design.

T. Varney provided a copy of the septic design.

T. Kinnon asked about the proposed well.

J. Gamble noted there will be a new well and new septic.

M. Perry asked where the access is for the driveway.

J. Gamble noted where it was on the drawing (left hand top corner).

M. Perry read the septic approval approved on December 16, 2005 for a two bedroom cottage only to improve an existing situation. All activity shall be in accordance with the Comprehensive Shoreland Protection Act. System must be installed in strict accordance with the manufacture's instructions. Encroachment waivers provided a minimum distance waiver is granted. Inquired on stories of new structure.

J. Gamble informed it will be a story and half

A. Bystrack asked about removal of existing septic.

J. Gamble confirmed that everything will be removed and he is licensed in septic.

T. Varney informed the new house and existing house sits on a knoll. Noted the lot is narrow and requested a lot of waivers from the State over the septic because they could not be 75ft. minimum where there leech field is and it is only 54 ft.

T. Kinnon stated he is comfortable with information provided to make a decision.

M. Perry asked for any other questions.

A. Bystrack asked when porch is rebuilt will this be the same size.

J. Gamble answered yes, same size.

T. Varney stated they are trying to grandfather.

K. Menici informed you cannot grandfather when demolished.

Discussion on total demolition and reconstruction and a previous Town vote. The Town Planner noted this is going outside the footprint and the town vote on staying within the footprint.

T. Varney noted he thought they were staying within the same footprint.

M. Perry noted it is larger than the footprint.

T. Kinnon noted the nonconforming portion remains in the footprint.

K. Menici stated the non-conforming part of the structure is the porch. Because the structure, in its entirety, including the porch is being demolished, they lose the grandfathering.

T. Kinnon would like clarification on the town vote previously on this same issue.

M. Perry opened up to the public: in favor – none seen or heard, in opposition - none seen or heard.

M. Perry referred discussion back to the Board.

A. Bystrack asked if porch was taken off would it fit within the zoning.

J. Gamble answered, yes, 14 inches either way

K. Menici stated technically this would still have to be presented for a variance.

T. Varney stated the purpose is to save the porch area.

J. Gamble added the replacement porch is actually smaller.

T. Varney added this new construction is all tied into the porch.

M. Perry asked about shifting the house to the left.

T. Varney informed that the applicants do not want to move this porch at all.

M. Perry stated she would like to see the property before making a decision.

Motion by T. Kinnon to continue Case Z06-08 to the next regular meeting, April 6, 2006 to allow the Board for a site review and also time to contact the Town Attorney regarding the discussion of the grandfather/demolition vote. Second by M. Perry. No discussion. Voted unanimous.

Continued to April 6, 2006

Other Business

1. Approval of Minutes of the following meetings: August 4, 2005, November 3, 2005, February 2, 2006. Hold approval of minutes for March 13, 2006

Discussion of March 13, meeting for Cell Tower.

Discussion of required documents not received by Planning Office.

K. Menici will contact the applicant on the Friday before the 13th meeting and make sure All documents will be available and if the meeting will be rescheduled.

2. Old Business: Review of application forms – continue discussion until the next meeting.

Discussion of application deadlines and getting packets to the Board.

Discussion of meeting with Attorney Sessler and setting a date. K. Menici will contact him and set up a meeting with him and the ZBA. She will ask him what days work best for him and get back to the Board for them to choose a date. She knows definitely not Tuesday.

Joint meeting with the Selectmen, Planning Board and Zoning Board regarding all the activity happening in the Town.

3. New Business. None.
4. Correspondence. None.
5. Any other business that comes before the Board.
Discussion of criteria for the variance types (Use and Area) – document that K. Menici distributed to the Board.

M. Perry: Spoke with Bob Longabaugh and knew this was a very interesting case that evening and brought two tapes. He did not ask for permission from the Board or Selectmen. He took this upon himself. She has asked him for a letter of apology and has not received this yet from him. She asked him for copies of the meeting that was recorded without permission.

Motion by M. Perry to adjourn. Seconded by T. Kinnon. No discussion. Voted unanimous.

Adjournment – M. Perry

Respectfully submitted,
Carolyn B. Schaeffner
Recording Secretary