

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
Thursday, March 2, 2023, at 6:00 P.M.
Alton Town Hall**

MEMBERS PRESENT

Thomas Lee, Chair
Paul LaRochelle, Selectman's Representative
Mark Manning, Member

Mike Hepworth, Member – excused absence
Tim Morgan, Member– excused absence
Frank Rich, Member– excused absence

OTHERS PRESENT

John Dever, Building Inspector
Tom Burns, representative for applicant
Williams Stevens, applicant

CALL TO ORDER

Chair Lee called the meeting to order at 6:02PM.

INTRODUCTION OF BOARD MEMBERS

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

APPOINTMENT OF ALTERNATES

No alternates present.

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. Mr. Dever stated the representatives for Cases #Z23-01, Z23-02 and Z23-03 requested continuances, as there is not a full Board present for this meeting.

Mr. LaRochelle motioned to approve the agenda as presented. Mr. Manning seconded the

motion. Motion passed unanimously.

NEW APPLICATIONS

Case #Z23-01 Beckwith Builders, Inc., Agent for Marvin Family 2012 Trust	Map 81 Lot 17-4 Little Barndoor Island	Special Exception Lakeshore Residential (LR) Zone
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A **Special Exception** is requested from **Article 300, Section 360.B** of the Zoning Ordinance to permit a proposed boathouse to be a non-habitable structure as the principal building on a lot.

Continued to April 6, 2023.

Case #Z23-02 Beckwith Builders, Inc., Agent for Marvin Family 2012 Trust	Map 81 Lot 17-4 Little Barndoor Island	Special Exception Lakeshore Residential (LR) Zone
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A **Special Exception** is requested from **Article 300, Section 328.D** of the Zoning Ordinance to permit a Boathouse Cupola to extend 5ft above the main building height to 20ft above the reference line.

Continued to April 6, 2023.

Case #Z23-03 Luke & Amanda Walters and Ira & Melody Lacey, Owners	Map 12 Lot 67-6 285 Powder Mill Rd	Variance Rural (RU) Zone
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A **Variance** is requested from **Article 400, Section 401.A.3** of the Zoning Ordinance to permit an addition to the existing Single Family Dwelling to create a Two-Family/Duplex Dwelling.

Continued to April 6, 2023.

Case #Z23-04 TF Moran, Inc., Agent for Jayna B Stevens Revocable Trust	Map 61 Lot 15 57 Indian Shore Rd	Special Exception Lakeshore Residential (LR) Zone
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A **Special Exception** is requested from **Article 300, Section 320.J** of the Zoning Ordinance to permit the replacement of an existing non-conforming 3-bedroom single family structure with a new 3-bedroom single family structure, set further back within the shoreland setback.

The Board reviewed the application for completeness.

Mr. LaRochelle motioned to accept the application for Case #Z23-04 as complete. Mr. Manning seconded the motion. Motion passed unanimously.

Tom Burns, representative for applicant, William Stevens, stated the property is a single family, residential lake front property; he stated the existing home has three bedrooms and is a little under 19 feet from the reference line of the lake. He stated there is also an existing garage and a shed on the lot; access to the property is from Indian Shore Road. There is an onsite well and septic system. Mr. Burns stated the applicant is proposing to remove the existing home and replace it with a three bedroom home and place it 25.5 feet from the waterline, which will reduce

the nonconformity. He stated all other requirements will be met with regard to setbacks. Mr. Burns stated the new home will also have a design for a new septic to eventually replace the existing septic. The existing well will remain and the driveway will be reconfigured but remain in the same location coming off Indian Shore Road. A NH DES Shoreline Permit will be obtained.

Mr. Manning asked why the house can't be made conforming. Mr. Burns explained there is a steep grade coming down the driveway and they want to put the house where it will avoid making the driveway too steep to be used safely. It was confirmed the shed and garage will remain.

Chair Lee outlined the criteria for the Special Exception to Section 520.1: this project is a complete tear down and rebuild; there is a NH DES approved septic; the existing home is three bedrooms and will remain three bedrooms. The replacement structure will not create any more nonconformity and will become less nonconforming as the structure will be moved 6 feet back from the lake, from 19 to 25 feet. The replacement structure is going to be moved back as far as possible with the steep slopes; there is a year-round water supply and can be used year-round.

Mr. LaRochelle confirmed there are no other nonconformities to the side or back setbacks.

Chair Lee opened the hearing to input from the public. None was indicated.

It was confirmed abutters were notified and no letters were received in objection.

Discussion – Case #Z23-04

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

Chair Lee 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. Manning stated the specific site **is** an appropriate location for the use. He stated the existing house is a three bedroom home and the replacement will be three bedrooms. 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. It is a residential area and it will remain a residential property. The Board agreed.

Chair Lee 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. Manning 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. There is adequate parking. 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 use and structure are not

changing. The Board agreed.

Chair Lee stated there is adequate area for safe and sanitary sewage disposal and water supply. The Board agreed.

Mr. Manning stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. The Board agreed.

Mr. Manning made a motion to grant the request for a Special Exception for Case #Z23-04 with the condition that a New Hampshire Department of Environmental Services septic approval is obtained. Mr. LaRochelle seconded the motion. Roll Call Vote: Mr. LaRochelle – aye; Mr. Manning – aye; Chair Lee – aye. Motion passed, 3-0-0.

OTHER BUSINESS

1. **Previous Business:** None.
2. **New Business:** None.

Mr. Dever stated he will be working on bi-law amendments and updates; he plans to have a draft for the Board to review at the next meeting.

3. **Approval of Minutes:**
Meeting of December 1, 2022 – Edits were made. **Mr. LaRochelle motioned to approve the minutes as presented. Mr. Manning seconded the motion. Motion passed unanimously.**
4. **Correspondence:** None.

Mr. Manning motioned to adjourn. Mr. LaRochelle seconded the motion. Motion passed unanimously.

The meeting was adjourned at 6:25PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary