

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
DRAFT MINUTES
Public Hearing
March 3, 2016
(Approved April 4, 2016)**

I. CALL TO ORDER

Chairman Timothy Morgan opened the meeting at 6:05 p.m.

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

II. APPOINTMENT OF ALTERNATES

There were no alternates to appoint. T. Morgan announced that if anyone wished to serve as an alternate to the board, that they could contact the Code Enforcement Office.

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.

IV. APPROVAL OF THE AGENDA

There was a brief review of the agenda. There were no changes.

S. Miller motioned to approve the agenda, as presented. Second by L. LaCourse. The motion passed by unanimous vote. (5-0-0)

V. NEW APPLICATIONS

Z16-01 Colin C. Spence	Map 38; Lot 30	Variance 26 Keewaydin Drive
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On behalf of Collin C. Spence, Paul Zuzgo, LLS, is requesting a Variance from Article 300, Section 327, A.2 and A.3, of the Zoning Ordinance to permit a proposed garage with a second floor living space, an eight foot (8') deck on the second floor of the garage. The new construction will be enriching on the front and side setbacks. This property is located in the Lakeshore Residential (LR) Zone.

The board reviewed the file. P. Monziona

P. Monziona moved to accept the application for case Z16-01 as complete, with the fact that the deed was on file and not with the application. Second by P. LaRochelle. The motion passed by unanimous vote. (5-0-0)

Paul Zuzgo, on behalf of Collin C. Spence, spoke about the request for the variance.

S. Miller asked Collin C. Spence if he knew the abutters, the LaChances, who had submitted a letter with some concerns about the requested variance. S. Miller stated that Mr. LaChance had stated they were not given a notice, and J. Dever responded that the LaChance's property was not a direct abutter, but that there were "inches" between the properties, but that he sent a notice to the LaChances. There was discussion about the concerns that the variance would obstruct the LaChances' view, cause a dangerous situation if there was a fire, as it was felt that fire trucks could not access the abutters' properties, that there would be an increase in the noise and disturbances from the Spence property from parties in the summer, and that there would be an issue with the driveway. C. Spence responded to all of the concerns, and also disclosed that there would be more vegetation between the garage and the abutter's property. The letter from the LaChance's also stated that there would be no hardship from having the garage in another location on the property, and C. Spence responded that they had looked at the property noted that moving the garage to any other location would also require a variance.

P. Monziona discussed the issue of the placement of the garage. There was discussion about the land, slopes, and the assessing of the property. S. Miller and L. LaCourse asked about the septic plans, noting they were not in the application. C. Spence confirmed that the plans include additional living space above the garage. L LaCourse asked about the size of the garage and noted that if it was designed for one car, that it would be within the property lines.

P. LaRochelle spoke about the size of the deck, and suggested changing the size of the deck or moving it. There was discussion about the placement of the deck, the size of the deck, and the placement of the garage. C. Spence stated he would consider making changes, if it pleased the board and the abutters.

P. Monziona spoke about the encroachment and felt that when the board got to the worksheet, and discussed the hardship, and if there was an alternative way they could keep within the spirit of the ordinance or if changing the plans would create a hardship for the applicant. He stated that if there was a way to alter the structure, so it was appropriate for the applicant, but that the spirit of the zoning ordinance was achieved.

T. Morgan stated that the issue the board seemed to be concerned about was the hardship issue of the worksheet. P. Monziona spoke about the encroachment issue and noted that if the board could find an alternative for the placement or size of the proposed structure, that they may find that there was not a hardship in the request. There was discussion about alternative designs and sizes of the deck.

T. Morgan opened the meeting to public input.

Heather _____, of 33 Keywaydin Drive, spoke in favor of the application and felt it would improve the neighborhood. She noted that Mr. Spence did not have loud parties or late, and stated there was not an issue.

Mark Brennan and Meredith Dance, abutters, Map 38; Lot 31, spoke against the application. He submitted a letters from abutters and one from a realtor. He felt there would be a fire hazard because of the placement of the property, that their privacy would be diminished, that the value of their property would be diminished, that it would be more difficult for them to place an addition on their house, and requested that the board upholds the ten foot set-back. He also presented letter from abutters, the Starks and the Kerns, who shared their concerns about the setbacks, noise, encroachments. A letter from Richard and Theresa Gosslin were also reviewed by M. Brennan, who was concerned about encroachment and fire risks, and with the request to uphold the ordinance.

M. Brennan submitted two additional letters, one from the _____, who felt that an alternative location for the garage would be appropriate, and a letter from Susan Hunter, Caldwell Banker, who felt that the variance, if granted, would be detrimental to the Brennan and Dance's property's value. M. Brennan discussed possible changes in the size of the garage, and also disclosed that they shared a water well with the Spence's property.

M. Dance spoke about the placement of the proposed deck and noted that it would obstruct about two-thirds of their view. She submitted photos of her deck to show how the proposed variance would impact them.

T. Morgan closed public input.

C. Spence addressed the concerns that were expressed by M. Brennan and M. Dance, noting they were trying to get along, as neighbors. He stated that he was confused by the concerns being expressed by M. Brennan, noting that he had met and discussed the addition with his abutters, and they had been in agreement with his proposed plan. He felt that the opposition was political because of his position in the Keewaydin Association. He discussed the encounters he had had with some of the abutters, and their families.

S. Miller asked about the changes that the applicant would consider for the size of the garage and the deck. He stated he would be willing to change the size of the deck and the size of the garage. There was discussion about the various sizes and possible changes. J. Dever stated that he reviewed the number of bedrooms at the time when an application was submitted, and stated that removing a bedroom would significantly impact the value of the home.

P. Monziona noted that if the applicant would change the size of the garage to nineteen feet, that it would be within the setback, and moved the deck out of the setback completely. The only part that would be in the setback would be the addition. He asked the applicant if they would be willing to modify their application now, and that they would make their decision on the modification or that they could go forward with their original application. T. Morgan recommended that the applicant could also continue the application to the next meeting, in April, with the new dimensions of the modified plans. J. Dever discussed the possible changes. T. Morgan felt it best that there would be a continuance, with revised drawings.

P. Zuzgo requested a continuance to the next meeting, so that they could submit revised drawings to the board for consideration.

P. Monziona motioned to grant the request for a continuance to case Z16-01, to the next meeting, on April 7, 2016, at 6:00 P.M., with the revised drawings to be submitted by March 24, 2016. Second by P. LaRochelle. The motion passed by unanimous vote. (5-0-0)

Z16-02 & Z16-03 Golden Arch Limited Partnership	Map 26; Lot 11	Variance 15 Homestead Place
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On benefit of Golden Arch Limited Partnership, John Kucich of Bohler Engineering, is requesting a Variance from Article 300, Section 340 E, of the Zoning Ordinance to permit a replacement of an existing wall sign at the McDonald's restaurant and a Variance from Article 300, Section 340 (E), to replace the existing freestanding sign with one that is taller in height and larger in area. The property is located in the Residential Commercial (RC) Zone.

L. LaCourse motioned to accept the application for Z16-02 as complete. Second by P. Monziona. The motion passed by unanimous vote. (5-0-0)

John Kucich, from Bohler Engineering, spoke on behalf of the owner _____. He spoke about the placement of the current sign, and the access to McDonalds from New Durham Road. He presented drawings of the buildings, with the new signs, noting that there would be two signs, one of the building that would be in the ordinance, and the second sign would be on the non-drive-through side, the side with the drive-through menus (the New Durham side), of the building. He stated that the new signs would be thirteen feet smaller than the current sign. The sign would be internally illuminated. One sign would be on the arch above the door, and one sign would be on the side of the building. there was discussion about the replacement of the existing sign wall and the changes to the peaks.

P. Monziona asked about the total square footage of the signage, and confirmed that the sign that is on the pole now, will be coming down. J. Kucich stated that what they are proposing is about eighty-six square feet, total. There was discussion about the applications and what needed to be considered between the two applications. J. Kucich asked if the board would prefer both cases to be presented at once, so they could consider the two applications. It was noted that there were two sets of criteria to consider. There was discussion about the two applications and the total square footage of the two signs. The completed project will be four square feet above the signage that is permitted.

S. Miller confirmed that the board was reviewing application Z16-02.

T. Morgan opened the floor for public input. There was no public input.

T. Morgan moved the board to the worksheet for application Z16-02.

T. Morgan moved the board to the worksheet:

P. Monziona stated that the variance ***is not*** contrary to public interest and felt there would be no impact on the public. L. LaCourse, S. Miller, P. Larochele, and T. Morgan all agreed.

L. LaCourse felt the use ***is*** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it is proposed. S. Miller, P. Larochele, T. Morgan, and P. Monziona agreed.

S. Miller agreed that by granting the variance substantial justice ***will be*** done. He felt that the proposed variance would show that McDonald's was working to be a good neighbor in the community. P. Larochele, T. Morgan, P. Monziona, and L. LaCourse each agreed that substantial justice would be done.

P. Larochele felt that the request ***would not*** diminish the value of the surrounding properties because the variance would likely enhance property value. T. Morgan, P. Monziona, L. LaCourse, and S. Miller agreed.

T. Morgan felt that the provision **would** alleviate an unnecessary hardship because it would lift the restrictions and allow for an appropriate use. He noted that the purpose of the ordinance and that this change was appropriate to the property, because it is open to the public. P. Monziona noted that this request resulted in less signage. L. LaCourse, S. Miller, and P. Larochelle agreed.

P. Larochelle motioned to grant the variance to Z16-02. Second by S. Miller. The motion passed by unanimous vote. (5-0-0.)

T. Morgan moved to the second case from the applicant, Z-16-03.

J. Kucich noted that relative to the free-standing sign, that the current sign was approximately 16' high, was approximately 34 sq.ft.. The applicant is proposing an upgrade of the branding, modernizing the sign, and in a similar location to where the free-standing sign is now, and reported that the new sign is going to be 33 sq.ft. He reported that the new sign is going to have "open air" are included in measurement, but that the sign was 16 sq.ft., and within the ordinance. A changeable but fixed reader message board will be part of the sign.

There was discussion about how the message board would be used, such as for a help wanted sign. Placement of the sign on the was discussed. The current sign is non-conforming, but the new sign will be pulled back a little, putting it in further compliance with the setbacks. The new sign will be closer to the parking lot, away from the road. It would be approximately six or eight feet from the road. The dimensions of the sign were reviewed. P. Monziona stated he was concerned if the arch sign, that was being proposed, was in keeping in the ordinance. He asked if there were any options for signs that were used in village or rural settings, which may be considered. J. Kucich stated this sign was selected, in part, because it didn't have a solid wall, and had a softer visual appearance. He felt that the message board was appropriate, and asked if the height of the sign was an issue with the board. T. Morgan noted that the height of the sign was a concern. The board discussed the character of the sign, and if it was appropriate for a small town or village. There was discussion about the message board, and if it would be changed if the sign was changed. The owner, _____, asked if the sign could be three feet higher so that it would not be easily accessed from the ground by vandals.

T. Morgan opened the floor for public input. There was no public input.

T. Morgan moved the board to the worksheet:

L. Lacourse stated that the variance **is not** contrary to public interest and felt there would be no impact on the public. S. Miller, P. Larochelle, T. Morgan, and P. Monziona all agreed. P. Monziona stated that his agreement was based on the sign being 19' high, black and white.

S. Miller felt the use **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it is proposed. P. Larochelle, T. Morgan, P. Monziona and L. LaCourse all agreed.

P. LaRochelle agreed that by granting the variance substantial justice **will be** done. He felt that the proposed variance would show that McDonald's was working to be a good neighbor in the community. T. Morgan, P. Monziona, L. LaCourse and S. Miller agreed. S. Miller felt that the message board would be a benefit to the community, and especially high school students seeking a job.

T. Morgan felt that the request **would not** diminish the value of the surrounding properties because the variance would likely enhance property value. P. Monziona noted there was nothing to indicate this would impact property values. L. LaCourse, S. Miller, and P. LaRochelle agreed.

P. Monziona felt that the provision **would** alleviate an unnecessary hardship because it would lift the restrictions and allow for an appropriate use. He discussed the aspects of the sign that were more conforming and felt that the use was the same. L. LaCourse agreed. S. Miller felt that the placement of

the current sign was creating a hardship, considering the unique access to the restaurant from the back of the lot. P. Monziona noted that this request resulted in less signage. L. LaCourse, S. Miller, P. Larochelle, and T. Morgan agreed.

P. Larochelle motioned to grant the variance to Z16-03. S. Miller amended the motion that the sign is no higher than 19', and that the letter box is black with white lettering. Second by L. LaCourse. The motion passed by unanimous vote. (5-0-0.)

There was a brief break.

Z16-07 Marie Casaccio	Map 41; Lot 46	Special Exception 13 Hummingbird Lane
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Dave Farley of Diversified Marine Construction, agent for Marie Casaccio, is requesting a Special Exception to Article 300, Section 320 B.5, Replacement of Non-Conforming Structures that are Voluntarily Removed. This proposal is to replace an existing boathouse that exceeds the 15; height limit, utilizing exact dimensions, including wall height, width and length, ridge height, roof design, windows, doors and interior boat slip. This property is located in the Lakeshore Residential Zone.

T. Morgan stated they would give the board members a moment to review the application for completeness. After a brief pause, T. Morgan asked if everyone had a chance to review the application. S. Miller asked if there was a deed. T. Morgan responded that there was a deed in the packet. S. Miller stated that he was missing the deed from his packet.

P. Monziona motioned to accept the application Z16-07 as complete. Second by S. Miller. The motion passed by unanimous vote. (5-0-0.)

Dave Farley, from Diversified Marine, Gilford, NH, introduced himself and Lisa Casaccio, Marie Casaccio's daughter, to the board. He reviewed the plans, noting that the replacement structure was a pre-existing and non-conforming legal structure. He stated that in compliance with DES regulations, this is a grandfathered structure, built prior to the 1969 Wetlands Bureau Permit that was required. The structure will continue to have the same location and layout on the property, same dock size, but the support structure will be repaired, with new point load. They have received a Wetlands Bureau permit for the reconstruction of the dock and boathouse structure, using the same dimensions, and replacement of any failed components. There will be no change in height and the ridge-line will be what is existing now. He stated that the Special Exception is because of the height structure, but noted again that this is a pre-existing non-conforming structure, and is considered a legal structure, as it is grandfathered. He stated that they have had no objections from any abutters. There would be no living space, no plumbing, no sewage, but there is electricity to the boat house.

S. Miller asked about the objections from the abutters, and D. Farley responded that he had heard there were some objections. S. Miller asked if he had a copy of the letter submitted from David St. Cyr, and D. Farley responded that he had not received the letter. S. Miller read a letter from David St. Cyr, a representative from the Mountain View Cove Association. The letter noted concerns that the association had about the request for the Special Exception, and requested the the request be denied. The letter stated that the building project was non-conforming and was allowed to be more-non-conforming with the addition of the existing cottage, that pervious ground area was allowed to be more impervious with the insulation of a larger-then-approved septic holding tank, that trees and shrubbery had been removed and not replaced, as per DES requirement, that the screened porch was now a fully-enclosed room, with a permanent floor and plexiglass windows. The letter went on to state that the boathouse has excessive height, over 15 feet, that the south-side of the boathouse decking is technically over the boundary between the Cassaccio property and the Mountain View Cove beach, that the fence is over the property line, as it is in the association's side, and that any boats docked on the south-side of the boathouse generally block the association's boat owner's access to the open water. The letter stated that the decking on the southside of the boathouse is 13 feet wide, and if the decking was down-sized to 5 feet wide, that the majority of the problems with the association's members' access to the lake would no longer exist. D. Farley stated that they run into this a lot on the lake, especially with older structures, but the state statute for non-conforming structures, such as this, that pre-dated zoning and Wetland Bureau rules was that the owner could re-construct them in kind. He stated he understood the concerns of the abutter about this structure, but that typically they ran into issues with abutters who would see these larger structures, but that by the very nature, the structure and the legality of it, were un-contestable. He spoke about the reconstruction of non-conforming structures in the wetland area. He stated that this property, as well as many on Lake Winnepesaukee, were non-conforming. He stated he had no comment

on the concerns about the fence, but that had nothing to do with the request they were making in this Special Exception. He stated that the boathouse and dock were legal structure, and that it was pre-existing to the zoning requirements

S. Miller presented another letter an abutter, Bob Morris, 6 Rocky Lane, asking why the applicant needed a twenty foot boat house. D. Farley stated that this is a pre-existing structure, and noted that they could continue to band-aid the structure, but found that in the older boathouses, where there's a point where it needs to be rebuilt correctly. He stated that if the structure design was changed that it could reduce the value of the property, as well. He stated that the owners do not wish to change the design of the structure but that they wished to replace it in kind. He stated that the owners desired to keep the same boathouse but the keep it safe or for it to fall into further disrepair. He stated that it would be the same view and structure that is there now, uncontested. He stated that he understood people wanting more of a view, but that the boathouse would be the same, and that this was not something they wanted to do. The owner wants to reconstruct it in the same fashion that it is now, and address the safety and structure issues.

S. Miller stated there were two things that needed to be proven to the board; that factual evidence exists that the property values in the district will not be reduced due to incompatible use and that there were no valid objection from abutters based. He stated that D. Farley had made a case about the objections from the abutters, and asked about the factual evidence that the property values would not be reduced. D. Farley spoke about the age of the boathouse, noting it was approximately eight years old. He stated that to say property values would be harmed, was not a valid argument, in his opinion, because the boathouse had been around for so long. He spoke aesthetics of the building, noting the boathouse and dock were in disrepair now, and that the repairs and improvements would enhance the district. S. Miller asked for pictures of the existing boathouse, and D. Farley handed out pictures of the boathouse.

P. LaRochelle asked if there was anything in the ordinance that kept someone from docking a boat in front of another person's property. J. Dever explained that existing situations are different than new situations, and that where this is going to be built now, if it was a new dock, it would have to be within the property line setbacks, but with existing structures, then pre-existing structures were grandfathered.

P. LaRochelle read a paragraph from Bob Morris' letter, about an approved request for a Special Exception, stating that deck that had been built which included a concern about the lack of compliance with a previous Special Exception, and stated that windows and a tiled floor had been put in a deck which had been approved for screens. J. Dever reported he had gone to the site several times, and found that the windows were just plexiglass, which had been installed over the screen so that the carpenter could work at this time, while construction was going on. He noted that there was no restrictions to address the tiling on the floor, that it was permitted. He stated that he has been monitoring this, and that as far as he was concerned, they were still meeting the requirements of the approved Special Exception. D. Farley stated that they would make sure that everything they did was in compliance.

P. Monziona spoke about the imposed concessions that the Zoning Board took when they approved a request. He spoke about the height of the boat house, and the concerns that had been voiced by the abutters. He felt that D. Farley's response was appropriate, as the structure was grandfathered, and that the replacement was in kind. He reviewed Article 300, Section 320, B.5., and asked if there was some way that the applicant could reduce the non-conformity, so there would be compliance with the ordinance, because it violated the height restriction by five feet. He asked if the applicant could lower the ridge of the structure and felt that this change would make for a stronger application. He asked if the height change would compromise the structure in any way. D. Farley spoke about the boat pull system, and the boat canopy within the boat house. He stated that some of the aspects that they would do differently, is put some structural integrity in the framing. The height will be reduced inside of the building because of the changes in the framing. He stated that from the state, following their rules and guidelines, and the town's rules and guidelines, that there was not a lot they could do to change the ridge. He discussed the possibility of making the structure wider, but felt there would be other things they would have to go through with the state and town. D. Farley spoke about possibly lowering the dock, but noted that it was usually covered with water from the waves, and that there were issues with algae on the dock, making it slippery. He stated he had no answers on lowering the height at this time. He spoke about raising the

boat, so that center portion of the house had the height, which is where the boat would be when it was raised. The current structure is currently not safe, in his opinion. The boat that is docked there now is 26 feet long. He stated that a boat with a canopy could be raised there now. There was discussion about possibly placing a winching system on the side of the boathouse, and the size of the boathouse that would be required to accommodate a 26 foot long boat.

T. Morgan opened the floor to public input. There were no comments in favor of the application.

John Zaugg, 57 Saw Mill Brook Road, Alton Bay, spoke against the application. He stated that the boathouse is on a beach that is owned by several people in the Mountain View Cove Association. He asked how the applicant planned to do the siding on the dockhouse, along the property line, and if there was going to be staging. He asked if there was talking of bringing a barge on the property, and stated that was a "no-no". He stated that he did not receive a notice of the application. S. Miller asked if he knew his map and lot number, and J. Zaugg stated that he did not know it. S. Miller asked if he was an abutter; J. Zaugg stated that he was one of several owners of the beach, and that he was an equity owner. S. Miller asked him if he was representing the association, and he stated that he was reprinting himself, and noted that two of the members were out of town. J. Dever confirmed that notice was sent to David St. Cyr, of the Mountain View Association.

D. Farley responded that a barge would be used, when necessary, on the Casaccio's side of the boathouse, and they would go out of their way to make sure the people with beach access would not be put out, in any way. He stated it was their goal to have the repairs to the dock and structural point loads done before the water became warm, and the beach was in use.

P. LaRochelle asked about lowering of the ridge height and stated that nowhere in the application was there a reason given for keeping the boat height the same. D. Farley stated that this was the size that the owners were used to, and that it accommodated the size of the boat they owned.

There was question about if the boathouse had ever been rented out, and Lisa Casaccio stated it had not ever been rented out.

T. Morgan moved the board to the worksheet:

S. Miller stated that the plan ***had been accepted*** in accordance with the Town of Alton Zoning Ordinance Section 520, P. LaRochelle, T. Morgan, P. Monziona, and L. LaCourse agreed. (All agreed.)

P. LaRochelle stated that the specific site ***is*** an appropriate location for the use. He stated that for obvious reasons, it is a boathouse and would remain a boathouse. T. Morgan, P. Monziona, L. LaCourse, and S. Miller agreed. (All agreed.)

T. Morgan stated that factual evidence ***is not*** found that the property values in the district will be reduced due to incompatible use. He stated that there was no specific testimony in regards to the applicant's suggestion that replacing the boathouse would improve property values. P. Monziona agreed and that the use was not incompatible. L. LaCourse agreed. S. Miller stated he agreed. P. LaRochelle stated he also agreed. (All agreed)

T. Morgan stated that there ***is no*** valid objection from abutters based on demonstrable fact, and noted that there was an abutter who objected, but not on a factual basis that would prohibit the granting of a special exception. P. Monziona agreed, and stated that there were objections both in writing and presented at the hearing tonight, but those objections appropriately went to the criteria that they had to consider in the permitting an in-kind replacement of a structure, but if the buildings encroached on other people's property or interfered with the use the property, those are legal issues beyond their domain, but that is beyond the criteria they have to consider. L. LaCourse stated that he also agreed. Miller stated he did ***not agree*** that there was valid objections based on demonstrable fact, and that the applicant had a choice to lower the roof life to make it more conforming, but that the owner chose not to do so. He stated

that the facts may be valid, but felt that the roof line could be lowered, if the owner chose to do so. P. LaRochelle stated he also disagreed, as well. (3-2 in agreement.)

P. Monziona 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. He stated that nothing about this project would impact vehicular traffic or pedestrian traffic, and stated that the concerns about the boat traffic was not in consideration in re-doing the building in-kind. L. LaCourse stated that he disagreed that there had been some examples of undue nuisance of boat traffic, and spoke about the blockage of the association beach, and felt that the dock could have been made smaller to take care of that. S. Miller agreed with P. Monziona's statement, and felt that the issue was the height of the structure. P. LaRochelle and T. Morgan both felt that there was no undue nuisance. (4-1 in agreement.)

L. LaCourse stated that adequate and appropriate facilities and utilities ***will*** be provided to ensure proper operation of the proposed use or structure. He noted that the only appropriate facilities would be electric. S. Miller asked if facilities included the pully-system for the boat in the structure and P. Monziona felt it usually meant water, sewage, etc. S. Miller agreed that adequate and appropriate facilities would be provided and felt that it was not applicable to this situation. P. LaRochelle, T. Morgan, and P. Monziona all agreed. (All agreed.)

S. Miller stated that the sewage ***is*** accurate area for safe and sanitary sewage disposal and water supply. and noted that this was not applicable to the boathouse. P. LaRochelle, T. Morgan, P. Monziona, and L. LaCourse agreed. (All agreed.)

P. LaRochelle stated that the proposed use or structure ***is*** consistent with the spirit of this ordinance and the intent of the Master Plan. He stated that he believed this structure is being used for exactly what it is being used for, that the height was 20 feet and will be rebuilt in kind. T. Morgan stated that this one troubled him, because he felt it did not agree with the spirit of the ordinance. He felt that rebuilding this more in the spirit of the ordinance would be appropriate but that was not being not — he did NOT agree, and felt that the structure could be more conforming. P. Monziona agreed with P. LaRochelle's statement, and felt that rebuilding was consistent with the spirit, and it was better for the community and better for the values. He stated he accepted the applicant's explanation for why the lowering of the height could not be done. L. LaCourse stated he agreed with Mr. Morgan, that it was not consistent with the spirit of the ordinance but that it was consistent with the Master Plan. S. Miller stated he agreed with Mr. Morgan that this was not consistent with the ordinance, and the intent of the Master Plan, and felt there was a duty to conform more than possible. He stated that he did not see any evidence on why the boat could not fit into something that was 19 feet, or 17 feet, and that there had been no factual evidence that he could see. He felt there was duty to be as conforming as possible.(2-3 in agreement.)

T. Morgan requested a motion. P. Monziona reviewed the motions by the board, and noted that the votes had not been consistent with the requirements of the law. He reviewed the votes of the board. It was noted that the application failed. There was discussion about the wording of the motion.

P. Monziona motioned to grant the application for the Special Exception, Z16-07. Second by P. LaRochelle. Motion failed. (In favor - P. Monziona and P. LaRochelle; Opposed - T. Morgan, L. LaCourse, and S. Miller) T. Morgan reported that the Special Exception was denied.

Z16-08 Alton Bay Campmeeting Association	Map 34; Lot 33	Special Exception Rand Hill Road
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Jeffrey L. Green, LLS agent for Alton Bay Camping Association, is requesting a Special Exception to Article 300, Section 320, A. 4., to permit the expansion of a non-conforming use by reconfiguring and expanding the existing camping area on an existing 28.6 acre lot. They are proposing to reconfigure three sites, as well as expand an additional five to eight sites to the existing campground located on the ground of the Alton Bay Christian Conference Center. This property is located in the Residential Zone.

P. Monziona motioned to accept application Z16-08 as complete. Second by P. LaRochelle. The motion passed by unanimous vote.

Jeffrey Green spoke about the project, noting that it was a campground, and that his interpretation of the installation of these sites had been understood as not necessary to come before the board, but he had learned that it was required. He discussed the history of the center, he stated that this project is within the accessory, as a recreational use, to the Christian Conference Center, was within the spirit of the Master Plan. He spoke about the use of these changes, which will be inside the property and not something that would be noticeable by the community.

T. Morgan stated that the ordinance has an RV density requirement, and asked if that was part of the plan. J. Green stated that they could make changes to make sure they did not exceed the density requirement for campgrounds.

P. Monziona stated that he had a problem with the statement of five to eight sites, and felt that the applicant should be more specific about the total number of sites. He spoke about the concerns that had been submitted by the Alton Fire Chief, concerning LP gas with the RV's. J. Green stated that the applicant would like eight sites, and that the LP gas would be considered. He stated that the only issue raised by the Fire Dept., was about the width of the road. He also spoke about the concerns by the Water Dept. for the water to the site. There was discussion about the letter from the Alton Fire Chief, and J. Green stated that he had not received it. P. Monziona spoke about the non-conforming use of the property and asked the applicant if they were seeking the Special Exception because they wanted it to be more non-conforming. S. Miller stated that the litmus test was that the Conference Center did not pay taxes, and a member of the Alton Bay Camping Association stated that they did pay \$25,000 /year in taxes. There was discussion about the use of the land.

There was discussion of the five to eight spaces, and a member of the association explained that they would like to fit eight RV's in the area, but that they may be only able to fit five in the area. P. Monziona explained that determinations needed to be made about safety, water, and sewage, so that the board could consider the applicant's request. The applicant stated that it would up to the Planning Board, to approve how the spots will be shaped, and noted that they are meeting with the Planning Board later in the month. He confirmed that they are requesting the approval of the eight spaces.

P. Monziona opened up the meeting to public input. There were no comments.

There were no other questions from the board. T. Morgan confirmed that the application is for eight spots, and discussed the set up of the spots, based on the Planning Board's decision. P. Monziona discussed the plan and the number of spaces, including the spaces that the RV's would require to pull through the space, which may create a dangerous condition. J. Green stated that the board relies on the Zoning Officer for information, and that the board should rely on the Planning Board to make sure those safety aspects are done. There was a discussion about the reason for the specific request, the number of lots, and the

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, P. Monziona, L. LaCourse, and S. Miller agreed.

T. Morgan stated that the specific site **is** an appropriate location for the use and noted it was a large lot. All board members agreed.

P Monziona stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible use. All board members agreed.

L. LaCourse stated that there **is no** valid objection from abutters based on demonstrable fact, and noted that there were no abutters. All board members agreed.

S. Miller stated that there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off-street parking. P. LaRochelle agreed. P. Monziona agreed and spoke about the the RV traffic, and space for parking. L. LaCourse agreed.

P. LaRochelle stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure. All board members agreed.

T. Morgan stated that the sewage **is** accurate area for safe and sanitary sewage disposal and water supply. P Monziona stated that approval would be with conditions that water, sewage, would be obtained. All board members agreed.

P. Monziona stated that the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan. All board members agreed.

L. LaCourse motioned to approve the request for a Special Exception in application Z16-08, with the provision that all systems meet the requirements of the Alton Fire Department, Alton Water Department, and the DEA. Second by P. LaRochelle. The motion passed by unanimous vote. (5-0-0.)

VI. OTHER BUSINESS

There was no other business.

P. Monziona motioned to table the meeting minutes. Second by L. LaCourse. The motion passed by unanimous vote. (5-0-0.)

VI. ADJOURNEMENT

L. LaCourse motioned for adjournment. Second by T. Morgan. The motion passed by unanimous vote. (5-0-0)

The meeting adjourned at approximately 10:51 p.m. The next meeting is scheduled for April 6, 2016 at 6:00 p.m.

Respectfully Submitted,

Krista Argiropolis
Recording Secretary