

TOWN OF ALTON
Alton Zoning Board
Approved as amended 7/23/09

March 5, 2009

Members Present: Timothy Morgan, Chair
Timothy Kinnon
Marcella Perry
Stephen Hurst
Paul Monzione

Others Present: Sharon Penny
Randy Sanborn
Members of the Public

I. CALL TO ORDER

T. Morgan called the meeting to order at 7:05 PM.

II. INTRODUCTION OF BOARD MEMBERS

III. APPOINTMENT OF ALTERNATES

There were no alternates appointed.

IV. STATEMENT OF THE APPEAL PROCESS

T. Morgan read the Statement of the Appeal Process.

V. APPROVAL OF AGENDA

S. Penney reported that there was a clerical error on the agenda for Case #Z09-04

MOTION:

M. Perry motioned to approve the agenda and P. Monzione seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

VI. CONTINUANCE

Case #Z09-04
Joseph T. Byrne

Map 32, Lot 3 & 5-1

Area Variance
Riverlake West Street

Application submitted by Stephen T. Nix, Attorney, representing on behalf of applicant, Joseph T. Byrne, to request an Area Variance to propose to do a Lot Line Adjustment to make non-

conforming lot with no frontage and 1,200 s.f. to have 28.24' of frontage with area 10,981 s.f. This parcel is located in the residential-commercial zone.

P. Monziona recused himself from this case and noted that the applicant is a client of his.

MOTION:

M. Perry motioned to accept the application for Case #Z09-04 as complete and T. Kinnon seconded the motion. The motion passed by a vote of four. (TK, MP, TM, SH)

T. Morgan noted that there were four Board members present and asked S. Nix if he wished to wait until a fifth member was appointed as an alternated. S. Nix stated he wished to proceed.

S. Nix presented a map showing the property owned by his client, J. Byrne. He showed where Riverlake West Street is located and where the properties owned by his client is located. He noted that a boundary line adjustment has been proposed where three lots that exist now will be divided and merged to create two lots. The reason for the Variance is so that Lot 5-1 can be merged with the Gile property.

S. Nix reviewed the worksheet for the requested Area Variance. He stated there is no other way to achieve this goal of merging this lot. He stated that the Giles lot and the Byrne lot would be more conforming; at this time both lots are non-conforming but this change would make one of the lots more conforming. He spoke about the benefits of the proposal and noted that this Variance would allow for his client to have more room to replace his septic system, if the need arose. He stated that this request is not for any building or new structures.

T. Kinnon asked if Giles had any plans to expand the buildings on his property. S. Nix stated that he was not aware of any plans that Giles had at this time. T. Kinnon stated that the structures on the property were non-conforming but with this change, Giles could ask for a change. S. Nix noted that there was a water main on the Giles property.

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

T. Kinnon spoke about his concerns of the application. M. Perry spoke asked if this was in compliance with the Shore Line Protection Act

WORKSHEET

1. The variance will / will not be contrary to the public interest.

T. Kinnon felt that public interest would be served so that the Giles' property would have sufficient size in case a new septic was needed.
All members agreed.

2. M. Perry felt that this was in keeping with the Master Plan. All members agreed.

3. T. Morgan felt that substantial justice would be done. All members agreed.

4. S. Hurst stated there were no negative comments from the abutters and felt it would enhance the value of the surrounding properties. All members agreed.

5. T. Kinnon stated that this is the only method available. All members agreed.

6. M. Perry felt there was no unnecessary hardship created by this area variance. All members agreed.

T. Morgan spoke about the conditions that would be required on this approval: the property
The applicant would need to make the change with the Registry of Deeds
Any expansion on the Giles property would require the appropriate permits.
An application would need to be filed with the DES for any changes made to the Giles property
so that it would be in keeping with the Shoreline Protection Act.
Four agreed

P. Monziona returned to the meeting.

VII. NEW APPLICATIONS

Case #Z09-05 Alan & Christie Soucy	Map 62, Lot 3	Special Exception 41 Indian Shores Road
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There was no one present for this case.

MOTION:

T. Morgan motioned to continue Case #Z09-05 and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

Case #Z09-07 Thomas W. Varney/Nanci Long	Map 34; Lot 33-40	Variance 9 Mission Path
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Application submitted by Thomas W. Varney on behalf of owner Nanci Long to request a Variance from Article 300 Section 327 to allow for the existing cottage to be demolished and rebuilt farther back from the lake. This parcel is located within the Residential zone.

T. Morgan requested that S. Penny read the following related case in the record so that the cases could be heard simultaneously.

S. Penney read the following:

Case #Z09-06 Thomas W. Varney/Nanci Long	Map 34; Lot 33-40	Special Exception 9 Mission Path
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Application submitted by Thomas W. Varney on behalf of owner Nanci Long to request a Special Exception from Article 300 Section 320B to allow for the existing cottage to be demolished and rebuilt with a full foundation, one story and be "squared off". This parcel is located within the Residential Zone. .

T. Varney read a narrative of the case to the Board. The new cottage would be 31' back from the shoreline. He reported that the current cottage is in poor condition and has no septic. He spoke about the new cottage that is being planned that will include the shrubs/bushes to be planted in front of the cottage, and the plan to connect the cottage to the septic system in the area. He spoke about the storm water measures that have been added to the property. He stated that the new building is becoming a hazard and that it was built prior to zoning in the area. He reported that the current foundation is a dirt foundation.

MOTION:

M. Perry motioned to accept the application as complete and P. Monziona seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

T. Varney showed on a map where the existing cottage is located now on the lake and reported that the new cottage would be more conformed. He showed where the new cottage would be located. The variance is that the cottage would be 31', not the required 50', from the lake.

S. Hurst asked what the outside dimensions of the current cottage were. T. Varney reviewed the dimensions of the cottage. P. Monziona asked if the new building would be smaller and T. Varney stated that they are adding 140' to the cottage.

T. Morgan opened the floor for public input.

A member of the public asked if the State needed to approve this project. T. Varney confirmed that it needed to be approved by the state. The member of the public confirmed that the cottage could not be placed 50' back because of the terrain of the land and T. Varney confirmed it was correct.

M. Perry reviewed the comments from Conservation and from the Codes Enforcement Officer. P. Monziona spoke about the notes from the Alton Fire Department about the placement of the propane tanks on the property and felt that the conditions of approval should include the compliance of any fire/safety codes.

There was discussion about the trees that will be cut and the trees that will be re-planted. There was discussion about the amount of impervious service that would be remaining after the new cottage is built.

1. M. Perry stated that this was against public interest because they were adding to the impervious service. T. Morgan felt that this was not against public interest because they were replacing a building and making improvements to the lot. S. Hurst felt that the improvements would be in the interest of the public and that they were giving DES an opportunity to approve this. P. Monziona felt that this would not be against public interest and felt that they would be rehabilitating the area. T. Kinnon felt that this would not be against public interest.
2. T. Morgan felt that this was an appropriate upgrade to the area. S. Hurst and P. Monziona agreed. T. Kinnon felt this was in harmony with the zoning ordinance and felt that this would help with the convenience, health and safety of the area. M. Perry felt that the building needed upgrading but felt it should not have been expanded and felt it was more non-conforming.
3. S. Hurst stated that the upgrade would be an improvement for the land and the area. P. Monziona agreed with S. Hurst and spoke about the governance that the Shoreline Protection Act will give for this change. T. Kinnon and T. Morgan agreed. M. Perry disagreed.
4. P. Monziona felt that this would not diminish the value of the surrounding properties and felt that this would enhance the value of the surrounding property. All Board members agreed.
5. T. Kinnon felt that an Area Variance was needed for this property because of the location and that the proposal was reasonable/feasible. T. Morgan spoke about the terrain and felt this was a reasonable proposal. 4 members agreed; M. Perry disagreed.

6. The Board summarized this case by noting that special conditions exist for this case.

Obtain NH DES

No additional structures should be built on the property with the exception of egress stairs

Run-off

All natural ground surface to remain in place...

T. Kinnon motioned to approve these conditions. S. Hurst seconded the motion. The motion passed by unanimous vote.

P. Monziona motioned to accept Case #Z09-06 as complete and S. Hurst seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

T. Varney spoke about the special exception and reported that the plan is to put a new foundation under the cottage. He spoke about the placement of the new cottage on the land and the condition of the current building.

The floor was opened to public input.

Diane Bettie spoke for Special Exception that was being requested and stated that the campground where this cottage sits is glad for this change.

1. All Board members agreed.
2. All Board members agreed that this is appropriate use and applicaton.
3. T. Kinnon felt this was compatable for the use because the whole neighbourhood had the same use. All Board members agreed.
4. M. Perry noted there was no objection from abutters. All Board members agreed.
5. T. Morgan stated that no hazards would be created because there was no vehicular traffic. All members agreed.
6. S. Hurst stated that permits would be obtained under the Shoreline Protection Act. All members agreed.
7. P. Monziona noted that this would be on the community water/septic. All members agreed.
8. S. Hurst stated that the structure was in the spirit of the ordinance. All members agreed.

P. Monziona approve / S. Hurst – w/ all conditions. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

Case #Z09-08
Cynthia Balcius & Jill Royer

Map 3, Lot 4

Special Exception
229 Prospect Mountain Road

Application submitted by Cynthia M. Balcius on behalf of Cynthia M. Balcius and Jill A. Royer to request a Special Exception from Article 400; Section 401 to allow for the use of a small portion of the existing barn to operate a consulting business. The parcel is located within the Rural Zone.

S. Penny recused herself from this case.

T. Morgan motioned to accept the application for Case #Z09-08 as complete and M. Perry seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

Branden Giuda, Attorney, spoke for the case. He reported that the applicant's office has expanded and she needed additional space for her office. The applicant meets the set back rules. The applicant has a sign permit requested that is well within the standards. B. Giuda reported that the septic would be a composting toilet. He spoke about the traffic in the area and noted that clients usually did not come to the office. There are two full-time employees and one part-time employee. There are six parking spaces for the office. The hours of operation are 8AM to 4PM, Monday through Friday.

There was no public input.

There is a letter from Deanna Clarkson, an abutter, in the Board's packet speaking in favor of the requested Special Exception.

T. Kinnon noted that this application did not come through the Planning Office and asked if there was any potential conflict. T. Morgan noted that this application was submitted through the Town Manager and town council.

1. P. Monziona stated that an application has been accepted and a recommendation had been made. T. Kinnon agreed. M. Perry stated that an application was accepted but did not agree that a recommendation had been made. T. Morgan and S. Hurst agreed.
2. T. Kinnon felt this was true because of the nature of the business. M. Perry felt there would not be a large impact on traffic and felt this would be an ideal situation for a business. P. Monziona felt this was appropriate. All Board members agreed.
3. M. Perry felt that there was no evidence that this would diminish property values. All Board members agreed.
4. T. Morgan noted there was no objection from abutters. P. Monziona noted that there was a letter in favor of the request in the Board's packet. All Board members agreed.
5. S. Hurst felt the request was adequate and the limit of six parking places was appropriate. P. Monziona felt the application was complete and concise. All Board members agreed.
6. P. Monziona stated this is a professional office and the application showed photographs and other aspects of the property to illustrate that proper utilities were supplied. T. Kinnon felt that the business should not increase the work force unless better septic setup was installed to better accommodate more employees. All Board members agreed.
7. T. Kinnon felt there was adequate area because there are 60 acres. All Board members agreed.
8. M. Perry felt that this was with the intent of the master plan and in the spirit of the ordinance. All Board members agreed.

M. Perry motioned to approve Case #Z09-08 with the conditions of: and P. Monziona seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

S. Penny returned to the meeting.

MOTION:

S. Hurst motioned to approve the meeting minutes of January 8, 2009 Workshop and P. Monziona seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

MOTION:

T. Morgan noted that there was an error on page 4 of the minutes and that the "Alton Water Department" should be replaced with "water company". M. Perry motioned to

approve the meeting minutes of January 8, 2009 (meeting) and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

S. Penny reported that M. Perry has given 18 years of service to the town and thanked her for her years of service. T. Morgan presented M. Penny with a memento of her service to the town. He read a list of the committees and boards that M. Perry has served on.

There was a brief discussion about the Spring planning conference.

MOTION:

P. Monziona motioned to adjourn and T. Kinnon seconded the motion. The motion passed by unanimous vote. (TK, MP, TM, SH, PM)

The meeting adjourned at 9:05 PM.

Respectfully Submitted,

Krista Argiropolis
Recorder