

Approved Minutes  
Approved 5-1-08

**Call to order at 7:00 p.m.** by Chairman, Timothy Kinnon.

**Introduction of Members:** Chairman Timothy Kinnon, Marcella Perry, Timothy Morgan, Paul Monziona, David Schaeffner-Alternate, Sharon Penney-Town Planner, Stacey Ames-Planning Assistant.

**Appointment of Alternates:** David Schaeffner for Steve Hurst.

**Statement of Appeal Process:** The Chairman read a brief 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 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.

**Approval of Agenda:** No changes.

**Motion** by P. Monziona to approve the agenda as presented. Second by T. Kinnon. No discussion. Vote unanimous.

**New Applications:**

**Case #Z07-22**

**Map 8, Lot 49**

**Special Exception  
Suncook Valley Road**

**Ernest Gillan, Jr.**

Application submitted by Ernest Gillan, Jr. to request a Special Exception from the Town of Alton Zoning Ordinance Article 500, Section 520 to allow boat storage. This property is located in the Rural Zone. Continued from February 7, 2008.

P. Monziona recused himself from this case for previous reasons stated.

Present for this case: Ernest Gillan, Jr., Michael Carleton

T. Kinnon noted the only issue from previous meeting was the location.

S. Penney noted adequate acreage and access road for fire.

E. Gillan noted the entrance to the access road is by Tire Warehouse. The boat storage will be about 4/10 of a mile from the entrance. Boats will be white shrink-wrapped. Would like to keep this to an area and not number of boats due to the varying of sizes. Approximately 100 – 120 boats. Boat moving will be done by Gillan employees only. It is a gated area. All service (winterizing and wrapping) will be done at the marina facility. Not a valet service – winter storage only. They do not offer valet service. The area defined is what the open area is – approximately 10%.

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T. Morgan asked if constraints be made for boundary area would the applicant be acceptable to this?

E. Gillan agreed. This land is owned by Michael Carlton and trust.

Open to the public in favor of the application.  
None seen or heard.

Open to the public in opposition to the application.  
None seen or heard.

Closed public input.

Board deliberations.

S. Ames encouraged the Board to put that no external fuel containers be stored on the grounds. 50 foot setback, fuel in boats will be stabilized.

Special exception:

1. Plat has been accepted. All agree.
2. Site is appropriate. All agree.
3. Factual evidence is not found. All agree.
4. There is no valid objection from abutters. All agree.
5. No undue nuisance. All agree.
6. Adequate and appropriate facilities. All agree.
7. There is adequate area. All agree not applicable.
8. Propose use is consistent. All agree.

**Motion** by Timothy Kinnon to approve Case Z07-22 for a Special Exception with the following conditions:

1. Storage area be delineated
2. No buildings be constructed
3. No fuel other than in the boats be stored.
4. The 50 foot setback be observed.

Second by D. Schaeffner. Vote unanimous.

P. Monziona resumed his seat on the Board.

**Case #Z08-04**

**Map 40, Lot 4**

**Special Exception**

**Gary and Carol Anderson**

**14 Lionel Drive**

Application submitted by Gary and Carol Anderson to request a Special Exception from Article 300, Section 320 B to allow for the expansion of a non-conforming structure. This property is located in the Lake Shore Residential Zone. Continued from February 7, 2008.

Present for this case: Carol Anderson.

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S. Ames noted to the Board a letter from an abutter in favor of the application that is attached to the Planner Notes.

S. Penney noted would like some additional information from the applicant.

P. Monziona asked about the smaller version of the map that is highlighted and proposed being replaced.

C. Anderson noted yes.

**Motion** by T. Kinnon to accept the application as complete for case Z08-04. Second by P. Monziona. No discussion. Vote unanimous.

C. Anderson presented proposal: Land purchased in 1920, Walter Piper (music director on Campground). Approximately 3.5 acres. Goes from waterfront to 28-A. Wanting to upgrade and replace with a modest cottage and be able to use approximately 3 seasons. Would like to put in well and septic. They have approval for septic.

S. Penney noted she viewed the property with Building Inspector and they do not have any issues with the project.

M. Perry noted they are tearing down one structure and rebuilding with a larger structure.

Clarification of how the property is owned. All three sisters co-own the parcel.

P. Monziona asked about the large plan is this just one lot?

C. Anderson noted other structures are tent platforms. Center house is proposed to be replaced.

Non-conforming is the number of structures on the property.

D. Schaeffner asked the size of the proposed new structure.

C. Anderson answers approximately 1500 sq feet. Very cottagey and campish.

T. Kinnon stated it is hard to grant this special exception without knowing exactly what will be going to replace the structure.

M. Perry noted that once a structure is torn down it is not grandfathered to rebuild.

S. Ames stated technically she is expanding a non-conforming structure on a non-conforming lot.

M. Perry noted the regulations state that no more than two dwellings on the lot without approval of subdivision.

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- S. Penney asked about the configuration of the smaller dwelling.
- C. Anderson very small one room cottage recently updated.
- D. Schaeffner asked if this is similar to the Campground.
- T. Kinnon asked if each structure is separately deeded.
- C. Anderson stated yes. She asked about the size of the new structure.
- D. Schaeffner asked if they could put a number in "not to exceed" a certain number and to be built with all town and state rules and regulations including setbacks. The septic design will force where the building is going to go.
- C. Anderson does not have the septic design with her.
- T. Kinnon the location and the size are the two important issues.
- C. Anderson confirm the location will definitely be where the current cottage is now, just larger.
- S. Penney noted current structure is approximately 350 square feet.
- C. Anderson noted adding a second story on new cottage.
- T. Kinnon noted if there are questions there is an option to not close public input and the applicant to come back with a specific location and square foot numbers.
- S. Penney noted from the septic plans as laid out and the proposed new plan there is adequate space and for the new well.
- M. Perry concerned for making the right decision. Wants to make sure the legal part of the decision is correct.
- T. Kinnon asked if this would be more fitting requesting a Variance.
- S. Ames noted it should probably be applied for a Special Exception and an Area Variance.
- T. Kinnon noted that you cannot grant one without the other. Variance has to be granted prior to the Special Exception. This is done with another application.
- Discussion on that State regulations changing April 1, 2008 and after that they will need to go to the State for approvals before the town building permits can be issued.

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T. Kinnon asked if she can get state approval before town approval.

Discussion on finding out answers to questions procedurally, amended application and setting a special meeting to get this reviewed for approval before April 1, 2008. Abutters will have to be re-notified and will need at least two weeks to complete this procedure.

C. Anderson asked what she needs from the State.

M. Perry suggested they meet with the Planning Office to go over what is needed to be done to contact the State for approvals.

C. Anderson noted that they were not going to plan construction until after the summer of 2008.

**Motion** by P. Monziona to continue Case Z08-04 to a date to be set. Second by M. Perry. No discussion. Vote unanimous.

**Case #Z08-06**

**Map 52, Lot 22**

**Area Variance**

**Joyce Wood, Kirby Wood & Roger Nutter**

**239 Route 11D**

Application submitted by Thomas Varney on behalf of the applicants to request a Variance from Article 300, Section 327 to permit a garage within the 25 foot road setback area. Propose garage is to be 4 feet into the right of way. This parcel is located in the Lake Shore Residential Zone. Continued from February 7, 2008.

Present for this case: Tom Varney, Joyce Wood, Kirby Wood and Roger Nutter.

S. Penney noted the plans need a stamp but Mr. Varney is a licensed engineer.

**Motion** by M. Perry to receive the application for case Z08-06 as complete. Second by T. Kinnon. No discussion. Vote unanimous.

T. Varney presented the project that the applicants have owned this property since World War II. Garage will be 20x20 on a concrete slab to store car, beach and lawn equipment. Built to not obstruct abutter view of the lake. Existing grading will remain the same. They own a cottage across the road and the lot is on the lakeside of the road and is currently vacant. Plans show where the garage will be on the lot and what the view will be like. Referred to pictures submitted. Went through the zoning requirements to support the request. Twelve feet from the edge of the pavement, one story. Setback is 25 feet from property line and proposed garage is within that setback. It is planned to be placed to have the least minimal impact on abutting properties and view shed. Meets the 30 ft setback to the lake. 10 feet from property line on the side. Presented a rough picture of a neighbor's garage. Single double-wide door with a side access door.

P. Monziona they want to go 21 feet into the setback. How far from 11-D

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T. Varney stated they will be 12 feet from the edge of pavement. Looking for setback from the right-of-way 11-D.

T. Kinnon asked about the culvert on the drawing and if that was going to remain the driveway.

K. Wood stated the driveway will remain the same.

K. Wood - Driveway is on the same parcel as the garage is proposed.

T. Varney. Being proposed this way from the road due to lake set-backs.

K. Wood. There will be electricity. Driveway is gravel and may eventually be paved. Also planned for location due to sight distance safety. Vehicles are already parked on this parcel. Great visibility in both directions.

Open to the public in favor of this application.  
None seen or heard.

Open to the public in opposition to this application.  
None seen or heard.

Public input closed.

T. Varney noted this is a vacant lot and tucked into the tree line. People driving by will still see the lake view from the road.

Board deliberations.

Area Variance.

1. Variance will not be contrary to public interest. All agree.
2. Request is in harmony with the ZO and MP. All agree.
3. By granting the variance substantial justice will be done. All agree.
4. Request will not diminish the value of surrounding properties. All agree.
5. Area variance is needed. All agree
6. Special conditions do exist. All agree

**Motion** by T. Kinnon to grant the Area Variance for Case Z08-06 with conditions. Second by T. Morgan.

Conditions:

No future conversion of garage to a residential unit for garage use only, and the 30 foot shoreland setback from the lake, garage is constructed per plan submitted. T. Morgan seconded conditions. No further discussion. Vote unanimous.

**Other Business:**

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1. Approval of minutes.

January 24 – corrections as marked on original by Planning Assistant.

**Motion** by M. Perry to approve the minutes as corrected. Second by T. Kinnon. No discussion. Vote unanimous. P. Monziona was not present at the January 24 meeting and is not voting.

January 31 – corrections as marked on original by Planning Assistant.

**Motion** by M. Perry to approve the minutes as corrected. Second by T. Kinnon. No discussion. Vote unanimous. P. Monziona was not present at the January 31 meeting and is not voting.

February 7 – no changes.

**Motion** by P. Monziona to approve the February 7 minutes as amended and including Mrs. Frenette's letter to the record. Second by D. Schaeffner. No discussion. Vote unanimous.

2. Old Business:
3. New Business:
4. Correspondence:

**Motion** by P. Monziona to adjourn. Second by T. Morgan \_\_. No discussion. Vote unanimous.