

Approved by the Board on 6/1/2006

Call to order

Board Members present: Angela Bystrack, Marcella Perry-Chairman, Keith Chamberlain, Kathy Menici-Town Planner

Reading of the Statement of the Appeal Process by Chairman Perry

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.

Appointment of Alternates None to appoint.

Approval of Agenda:

Case#ZO5-33 **Map14 Lot 21** **Use Variance**
New England Nominee Trust **486 East Side Dr. (NH 28A)**

David J. Fenton Jr. Trustee

Use Variance from Article 300, Section 301 and Article 200, Section 270, to construct a telecommunication tower outside the specified Telecommunication Overlay District. The property is located in the Lakeshore Residential Zone.

Case#ZO5-34 **Map14 Lot 21** **Area Variance**
New England Nominee Trust **486 East Side Dr. (NH 28A)**

David J. Fenton Jr. Trustee

Area Variance from Article 200, Section 228 to construct a telecommunication tower 120' in height. The property is located in the Lakeshore Residential Zone.

Case#ZO5-31 **Map19 Lot 8-2** **Use Variance**
Robert's Knoll Campground, LLC **1439 Wolfeboro Highway (NH 28)**

Use Variance from Article 300, Section 301 and Article 200, Section 270, to construct a telecommunication tower outside the specified Telecommunications Overlay District. The property is located in the Rural Zone.

Case#ZO5-32 **Map19 Lot 8-2** **Area Variance**
Robert's Knoll Campground, LLC **1439 Wolfeboro Highway (NH 28)**

Area Variance from Article 200, Section 228 to construct a telecommunication tower 120' in height. The property is located in the Rural Zone.

K. Menici informed that Duvall and Associates are representing all four cases and they have sent a letter requesting the Zoning Board Continue the public hearing on all four of these cases.

Approved by the Board on 6/1/2006

Letter is dated March 9, 2006, sent by Fax followed up with a hard copy by Federal Express Overnight, Addressed to the Zoning Board of Adjustment, regarding proposed telecommunication facilities. The letter informed that the engineering review by Mark Hutchins as of the date of the letter has not been completed. They noted that due to this review not being complete the four cases would not be heard on March 13, 2006. With the letter they asked that the cases be continued from the meeting scheduled on March 13, 2006 to such date and time certain as Mark Hutchin's engineering review shall be complete. They also requested the ZBA consider regarding the proposed new wireless telecommunications ordinance with regard to the Town vote on Tuesday, March 14, 2006 and survive any recount or other subsequent procedural mechanisms, they ask the ZBA set a special meeting immediately thereafter to address how Industrial and RCC should proceed with their current applications under the new ordinance given that the use variances will likely not be necessary but the area variances will be.

Further comments from K. Menici stated she contacted attorney Duvall on Tuesday, March 7 after she received a copy of an email from Mark Hutchins to Eric Rider of CMA Engineers. This email stated Mr. Hutchins made it clear that there are some discrepancies in the materials that were submitted to him by Industrial Communications and there was additional information needed and there was not time to get this information put together and submit it to him for the review to be complete by March 13. Therefore, she called Duvall and Associates to make them aware of that and they agreed they would speak with their client and find out when the additional information would be prepared to send to Mark Hutchins.

Suggested this be continued to the next regular scheduled meeting of the ZBA, April 6, 2006.

Additionally, there is also a copy of a letter from CMA Engineers. This letter was prepared subsequent to the email, the result of a conversation between Mr. Rider and Mr. Hutchins. There are discrepancies in the information provided with regard to coordinates for the locations of the towers. There are discrepancies in the submission materials by the applicant. They both suggest the coordinates and elevations of the two proposed cell towers be determined by a surveyor licensed in New Hampshire and provide the information to the Board by the applicant. This should be a vote from the Board.

Motion by M. Perry to continue Cases Z05-33 Map 14 Lot 21, Case Z05-34 Map 14 Lot 21, Case Z05-31 Map 19 Lot 8-2 and Case Z05-32 Map 19 Lot 8-2 and these cases be continued to the next regular scheduled meeting of the ZBA on April 6, 2006 at the Alton Town Hall at 7:00 p.m. and also they request, per the CMA Engineering recommendation, the applicant provide to our engineer a surveyors certification of the exact coordinates and elevation of the proposed sites. This certification to be performed by a New Hampshire certified surveyor. Second by A. Bystrack. No Discussion. 2 in favor, 1 opposed. Motion does not pass.

M. Perry stated she recinds her motion and open up discussion to the Board members.

K. Chamberlin would like to hear from the applicants regarding CMA's request before voting on requiring them to locate the coordinates.

Approved by the Board on 6/1/2006

A. Bystrack feels this certified information is important.

M. Perry feels also feels it is important since the engineers representing the Town of Alton feel it is necessary.

K. Menici added without certification you cannot rely on the information on the plat and the applicant could get approval and put a tower anywhere within the boundaries of the subject parcel.

Motion by M. Perry to continue the meeting of Case No. Z05-33 Map 14 Lot 21, Case Z05-34 Map 14 Lot 21, Case Z05-31 Map 19 Lot 8-2 and Case Z05-32 Map 19 Lot 8-2 to the regular scheduled meeting of the ZBA on April 6, 2006 at 7:00 p.m. Second by A. Bystrack. No Discussion. Vote Unanimous.

K. Chamberlain expressed his feeling that the applicant should have a chance to respond to the engineers request before the Board vote on requiring him to incur more costs in have a certified survey. Suggested to send a letter to the applicant asking for their response of this recommendation by the next meeting on April 6, 2006.

General discussion of exactly what the engineers have requested regarding the certification and what they feel is incorrect.

K. Menici informed that without a surveyors stamp you can not be sure of the source of the information. She also stated the engineer stated the locus on the first and second page does not agree with the coordinates provided by the applicant for this site nor what the topo map provided in the submissions with the mono polo location notated. The coordinates are shown on a copy of the FCC Tower filing. This is where they found the coordinates. The coordinates are not in the Board's packet, it is in a packet that they filed with the FCC.

M. Perry asked if there was any other business from the Board.

K. Menici noted that she would like to make the Board aware of with feedback; there has been discussion in the last couple of meetings of the staff's desire and the Board's need to get agenda packets out sooner so Board members have more time to review the information. One item discussed in particular was whether or not a change in the submission deadlines would be necessary to accomplish this. She has asked the Board to give the staff a month, with the existing submission deadlines, if they were able to get the packets out in a timely manner. Her desire is to get packets out to both Board two weeks prior to the meeting dates to review packets, have opportunity to go out and visit the subject parcels. This would require shifting the submission deadlines one week earlier. Noted a draft in the Board's packet tonight would change the submission deadline would go into effect for the March meeting instead of an April 17 submission deadline, it would be moved to April 10.

Motion by M. Perry to adjourn. Second by A. Bystrack. No Discussion. Vote Unanimous.

Town of Alton
Zoning Board of Adjustments

March 13, 2006
Page 1

Approved by the Board on 6/1/2006

Transcribed but not present by,
Carolyn Schaeffner, Recording Secretary