

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
APPROVED MEETING MINUTES
April 6, 2017**

The following members were present:

Paul Monziona, Chairman
Timothy Morgan, Vice-Chairman
Paul LaRochelle, Clerk
Lou LaCourse, Member
Steve Miller, Member
Frank Rich, Alternate
Reuben Wentworth, Selectmen's Liaison

Others present:

John Dever, III, Code Enforcement Official
Jessica A. Call, Planning Secretary

I. CALL TO ORDER

Paul Monziona called the meeting to order at 6:00 p.m.

Steve Miller addressed Paul Monziona and asked if Reuben Wentworth was the Selectmen's Representative, and if so, he should be introduced and invited to sit at the table. Paul Monziona asked Reuben Wentworth if he would like to join the Board at the table; he respectfully declined and felt comfortable sitting in the audience. It was noted that he received a packet for the meeting.

II. APPOINTMENT OF ALTERNATES

Paul Monziona informed the Board and the Public that he had to recuse himself, because he had a professional relationship with an individual involved in the first case on the Agenda. Therefore, Frank Rich would be appointed as an Alternate.

Lou LaCourse moved to appoint Frank Rich as an alternate, which would make him a full-voting member for case # Z17-04.

Paul LaRochelle seconded. Motion was PASSED by a vote of (5-0-0) (approved-denied-abstained).

III. STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing was 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 the established fact, however, it should support the grounds, which the Board must consider when making a determination. The purpose of the hearing was not to gauge the sentiment of the public or to hear personal reasons why individuals were for or against an appeal, but all facts and

opinions based on reasonable assumptions would 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 would be met.

IV. APPROVAL OF THE AGENDA

Paul Monzione asked John Dever, III, if there were any changes in the agenda; there were none. The Board agreed amongst themselves to reschedule the Election of ZBA Officers to the end of the agenda under "Other Business."

Tim Morgan moved to accept the agenda as presented, with the exception of rescheduling the Election of ZBA Officers to the end of the agenda under "Other Business."

Lou LaCourse seconded. Motion PASSED by a vote of (5-0-0).

V. NEW APPLICATIONS

Case # Z17-04 Scott R. Dulac, Agent for Bradley Bissell	Map 26 Lot 4	Special Exception Residential/Commercial (RC) 46 Suncook Valley Road
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Paul Monzione recused himself for this case. Tim Morgan, Vice-Chairman, sat in as Chairman.

Present for this case was Scott R. Dulac.

Lou LaCourse moved to accept application #Z17-04 as complete.

Steve Miller seconded. Motion was PASSED by a vote of (5-0-0).

Tim Morgan asked Scott R. Dulac to go over his application. Scott R. Dulac stated that the building already had a similar use and requested to sell used automobiles and trucks on the property; currently, it was zoned for auto repair/service. The property provided enough space on the lot for parked vehicles, but would have to re-designate parking for the automobiles that would be for sale. The building had heat, a well, and a septic system. The vehicles that would be repaired would be sold on site. This would be a low-key operation.

Steve Miller asked Scott R. Dulac what his relationship was between Bradley Bissell and himself; he was his landlord. Steve Miller also asked if he had any EPA certification in regards to the issue of oil drainage, etc.; he stated, "No." Initially, he would not do any service work there and would sublet his work. Steve Miller asked John Dever, III, if the owner had to be certified by the EPA; he stated that he would have to go to the Planning Board and things would be addressed at that meeting. Steve Miller inquired if there would be any living quarters; he stated none. Tim Morgan asked the Board if they had any questions; they stated none.

Tim Morgan opened up public input.

Bradley Bissell, owner of the property, came to the table to speak for the applicant. He stated that the property was EPA certified clean two years ago and had been approved by the State. The property had been vacant for over a year and thought that Scott R. Dulac's business would be a good fit. Bradley Bissell stated that he

would like to see more business in town and thought that the automotive sales business was a good asset. Frank Rich noted to Mr. Dulac that by looking at the picture of the property, there appeared to not be a lot of frontage, and actually looked like it might encroach on the highway. He also wanted to know if he would be beautifying the front of the building. Scott R. Dulac stated he had no objection to plant some plants to entice people to come in, and hoped he could get some help from his wife to make it look homey. Frank Rich stated that it appeared that only six (6) cars would fit out front. Scott R. Dulac stated that parking would also be out back.

Tim Morgan closed public input.

Paul LaRoche asked about signage. Scott R. Dulac stated that he would be using the existing sign. Lou LaCourse confirmed with him that the signage he referred to was the "Alton Motorsports" sign.

Steve Miller asked if Scott R. Dulac received any formal correspondence from abutters that stated they had any concerns; he stated none.

Tim Morgan asked the Board if they had any more questions; there were none.

Tim Morgan moved the Board onto the worksheet for deliberations.

Frank Rich stated that the plat had been accepted in accordance with the Town of Alton Zoning Ordinance of 520B. All Board members agreed.

Paul LaRoche stated that the specific site was an appropriate location for the use. He also stated that it was consistent with what the property had been used for in the past. Tim Morgan stated that it had been an automotive facility of some kind for a number of years. All Board members agreed.

Tim Morgan stated that factual evidence was not found that the property values in the district would be reduced due to incompatible uses. He also stated that the property had been an automotive use for a number of years prior to the current business. All members agreed.

Lou LaCourse stated there was no valid objection from abutters based on demonstrable fact. He also stated that the Board did not receive any objections from abutters. All Board members agreed.

Steve Miller stated that there was no undue nuisance or serious hazard to pedestrian or vehicular traffic, to ensure proper operation of the proposed use of the structure. He also stated that it was the same as a previous use, so there was no need to go to the DOT for any reason, and the applicant was in compliance. All Board members agreed.

Frank Rich stated that adequate and appropriate facilities and utilities would be provided to ensure proper operation of proposed use or structure. Steve Miller stated that there was no evidence to the contrary. All Board members agreed.

Paul LaRoche stated there was adequate area for safe and sanitary sewage disposal and water supply. He also stated that there was an existing well and septic system on site. Steve Miller stated that there was testimony that the EPA had declared it clean. All Board members agreed.

Tim Morgan stated that the proposed use or structure was consistent with the spirit of the ordinance and the intent of the Master Plan. He also stated that the applicant pointed out that it was a small business and that was one of the things that the Master Plan encouraged. Steve Miller stated that it was a type of business that the Board should welcome and support. All Board members agreed.

Lou LaCourse moved to grant the application for Special Exception for Case # Z17-04. Steve Miller seconded. Motion PASSED by a vote of (5-0-0).

<p>Case # Z17-05 Wayne & Susan Copp</p>	<p>Map 38 Lot 7</p>	<p>Special Exception Residential/Rural (RR) 156 Spring Street</p>
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Paul Monzione sat back in as Chairman.

Present for this case was Wayne Copp.

Applicant passed out pictures of his property to the Board, and requested to add them to the file.

Paul Monzione pointed out to the Board that there was no Project Narrative in the application packet, and asked them if they didn't mind that there was none; the Board agreed to waive the requirement of the narrative, because they all felt that there was enough information submitted in order to understand what the applicant was requesting.

Paul LaRochelle moved to accept application #Z17-05 as complete. Lou LaCourse seconded. Motion was PASSED by a vote of (5-0-0).

Wayne Copp asked for a foundation to be built underneath their house. Both Wayne Copp and his wife had been living on the premises full-time for three to four years. There had been occasions that the pipes froze in the winter, and come the springtime, there was a lot of water that built up under the house. Wayne Copp stated that the right side of the house encroached four to five feet into the 10-foot side setback.

Paul Monzione asked what made the structure non-conforming. John Dever, III, stated it was because the house itself and the deck encroached upon the rear and side setbacks. Paul Monzione then asked how far the house encroached on the side setback; John Dever, III, stated that it appeared to be three (3) feet.

Lou LaCourse mentioned that Wayne Copp stated he was going to raise his house three (3) feet, but he did not see that it was indicated in the application as such. Paul Monzione stated that when an applicant presented facts, whether orally or through pictures, plans, etc., they would be considered representations that they would have to stick by, because they would then be controlled by State Statute. Paul Monzione wanted to state for the record that the foundation being constructed under the residential structure was going to raise the total height of the structure by three (3) feet, but still be under the 35 foot height restriction; Wayne Copp stated he was correct. Paul Monzione confirmed with the applicant that it would be a poured concrete foundation. Paul Monzione asked Wayne Copp what his plans were for the basement, and was he going to use it as living space. Wayne Copp stated that he would be using the basement for storage and it would be a walk-out under the deck; there could be a possibility of living space in the future. Wayne Copp stated that his first floor would still be below the neighbor's first floor by about five (5) feet, and that he didn't have any neighbors behind him; therefore not blocking anyone's view. Steve Miller asked Wayne Copp if he was using the exact same footprint

as it was currently; he stated “Yes.” Steve Miller stated that when he raised the house, he could move the house a few inches from side to side or back and forth and was he planning on leaving the house where it was; he stated “Yes.” Steve Miller also questioned if they were installing any windows; he stated, “Yes.” Steve Miller noted that they were putting in windows now, but his intentions were to use the space for storage, and would he come in with a request in the future to make the basement into living space. Wayne Copp stated that he wasn’t too sure about the living space just yet.

Frank Rich asked Wayne Copp what size windows he would be installing; he stated double hung windows. Frank Rich asked Wayne Copp how high from the floor joists would the basement be; he stated about seven (7) feet, eight (8) inches. Frank Rich then asked if the house was winterized; he stated, “Yes.” Frank Rich further asked if the houses located in his area had foundations; he stated that both the yellow and red houses had a foundation. Frank Rich noted that almost all of the other lots seemed to be non-conforming in terms of their lot lines; therefore, it was not unusual to be non-conforming in that area. Wayne Copp thought he was correct.

Tim Morgan asked about the columns holding up the deck; Wayne Copp stated that they were steel lally columns. Tim Morgan asked if any portion of the deck would be supported by the foundation. Wayne Copp stated, “No,” the deck would be supported by lally columns.

Steve Miller asked Wayne Copp if he had any communication with his abutters as to whether or not they were in favor or opposed to this application. Wayne Copp stated that the abutter in the red house asked if they needed a letter in favor of the foundation, and he told them no. The other abutters in the yellow house were good friends and they were in Florida and had no problem.

Paul Monzione asked Wayne Copp what would keep him from moving the house slightly so it would not end up staying within the setback. Wayne Copp stated that cost and the septic system was keeping him from moving it over.

Paul Monzione asked the Board if they had any more discussion; the Board answered, “No.”

Paul Monzione opened public input. No public input. Paul Monzione closed public input.

Paul Monzione moved the Board onto the worksheet for deliberations.

Paul LaRochelle stated that the plat had been accepted in accordance with the Town of Alton Zoning Ordinance of 520B. All Board members agreed.

Tim Morgan stated that the specific site was an appropriate location for the use. He also stated that the site and use were not changing. All Board members agreed.

Paul Monzione stated that factual evidence was not found that the property values in the district would be reduced due to incompatible uses. He also stated that this use was not incompatible, and was remaining the same. Tim Morgan noted that the applicant stated he thought it would improve the value of the neighborhood. All members agreed.

Lou LaCourse stated there was no valid objection from abutters based on demonstrable fact. He also stated that there were no abutters at the meeting to speak against the application. All Board members agreed.

Steve Miller stated that there was no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. He also stated that none of the three (3) requirements needed to be addressed. All Board members agreed.

Paul LaRochelle stated that adequate and appropriate facilities and utilities would be provided to ensure proper operation of proposed use or structure. He also stated that there were existing facilities on site. Paul Monziona stated that what was represented by the applicant, the presence of a poured concrete foundation under the structure, would not be used for living space or additional bedrooms, etc. All Board members agreed.

Tim Morgan stated there was adequate area for safe and sanitary sewage disposal and water supply. He also stated that the occupancy of the structure was not changing. All Board members agreed.

Paul Monziona stated that the proposed use or structure was consistent with the spirit of the ordinance and the intent of the Master Plan. He also stated that the ordinance permitted this use by Special Exception. All Board members agreed.

**Steve Miller moved to grant the application for Special Exception for Case # Z17-05.
Paul LaRochelle seconded. Motion PASSED by a vote of (5-0-0).**

Case # Z17-06 Thomas W. Varney, P.E., Agent for James J. & Lisa C. Hayes, Jr.	Map 38 Lot 50	Variance Lakeshore Residential (LR) 23 Richardson Drive
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Present for this case was Thomas W. Varney, P.E., and James J. & Lisa C. Hayes, Jr.

Paul Monziona asked the Board if they had a chance to review the application in order to deem it complete.

**Paul LaRochelle moved to accept application #Z17-06 as complete.
Steve Miller seconded. Motion was PASSED by a vote of (5-0-0).**

Thomas W. Varney, P.E., stated that Mr. & Mrs. Hayes had owned the property since 1985 and would like to replace the existing garage, due to the fact it was not suitable to store a car in. The garage was in disrepair due to its age, it did not have a foundation, the sidewalls were falling in, and it only had a dirt floor. The existing garage was partially located on the neighbor's lot; therefore, they were looking to remove the garage from its current location and build one completely on their lot in harmony with the spirit of the zoning ordinance. The neighbors were in favor of moving the garage, as per their written letter. The new garage would be enlarged to a typical size for two vehicles located back from the driveway to allow for turning vehicle access. No living space was to be in the garage. The garage would have drip edges under the eaves in order to help infiltrate stormwater runoff into the soil. The DES Shoreland Permit had been approved for the garage construction. The garage was smaller than previously requested; now it was 22' x 24', centered on the lot.

Lisa C. Hayes read a letter from Ann P. Leigh, owner of the adjoining property, who was in favor of the Variance. She then went ahead and read a second letter from Carol Richardson, abutter, who was also in favor of the Variance.

Paul Monziona noted that Thomas W. Varney, P.E., made the garage a bit smaller in order for it to be five feet from the setback and would be coming off the neighbor's property.

Thomas W. Varney, P.E., stated that the lot was only 32' wide, which was non-conforming.

Frank Rich noted that the Conservation Commission had a concern about access to the maintenance of the leach field and he wanted to know if they had any concerns. Mr. & Mrs. Hayes stated they did not, because they owned the abutting property. Mrs. Hayes stated that the leach field could also be accessed from Route 11. Frank Rich then asked if the garage was at the same height. Thomas W. Varney, P.E., stated, "No," it was actually lower and was only one story.

Tim Morgan stated that after reading the previous minutes, that Thomas W. Varney, P.E., decided to withdraw and resubmit a significantly different application in the future. He then asked what was significantly different from the application that was submitted in March. Thomas W. Varney, P.E., stated that they dropped off two feet on the width of the garage. Tim Morgan noted that he was referring to one foot on each side and that it was still a substantial portion into the setback on both sides; he then asked them why they did not look into a Lot Line Adjustment; Mr. Hayes stated that he had not thought of it. Lou LaCourse asked why they did not move the setback to their abutting property. John Dever, III, stated that what was usually done with zoning was that you would try to center a structure as much as you could in order to avoid issues in the future with a structure being too close to a property line.

Paul Monziona stated that raised questions about the Conservation Commission's comment about how they would access the leach bed. Mrs. Hayes stated they could access the leach field from Route 11, because it was flat and they previously had a driveway permit for that section of land. Paul Monziona confirmed that if they no longer owned the lot next door, they could get onto the lot through Route 11. Mr. Varney shared that if they did sell the property, they could draw up a Maintenance Easement if they needed to.

Frank Rich stated that Thomas W. Varney, P.E., did not give Tim Morgan all of the major significant changes, except that it was now a one-story. Tim Morgan stated that the applicants were looking for a Variance on a specific site line requirement and that the ordinance did not take into consideration the height of the building, the size of the building, and was very specific. Frank Rich mentioned that he remembered there was a lot of conversation last meeting about the height of the building and then asked why they even brought it up if it did not matter. Paul LaRoche stated that the reason he brought it up last meeting was because after discussion, the Board determined there were not any changes when the applicants came back to reapply. Paul Monziona stated it was a very important point last meeting because the Board was trying to determine whether they were submitting the same thing after being denied the first time, and now the one/two story was irrelevant.

Paul Monziona mentioned that at the last meeting it was mentioned to maybe relocate the garage further up the lot, closer to the house, because the property lines widen as you move in that direction. He made note that if it was moved up, they would gain space between the side setbacks, and would they consider this. Thomas W. Varney, P.E., stated it was not an option because there was not enough room for the cars to turn around. Lou LaCourse asked if the driveway was dirt or pavement; it was dirt. Paul Monziona asked if it was a right of way; Mrs. Hayes stated it was the road. Thomas W. Varney, P.E., stated that when the Hayes' turn around in their driveway, that they actually had to use some of the neighbors land to do so; therefore, moving the garage closer to the house would not work. John Dever, III, stated that moving the parking area closer to the lake would impact not only the location of the septic system, but also the proposed septic system.

Paul Monziona asked if there were two tanks where the pump chamber was. John Dever, III, stated that they would use the existing tank, but install a new pump chamber pumping back to the leach field. Mr. Hayes stated that they currently had a dry well at the property and to be state certified, they would have to move the leach

field further away from the lake. Paul Monzione asked the Hayes' if they currently had a leach field; they stated they had a dry well. Mr. Hayes stated that the back of the garage abuts the buffer zone so that the back wall of the garage would be covered by the buffer zone.

Mr. Hayes shared with the Board that his family had been coming up to Alton since 1985 when they bought the property. Then in 2000, they were fortunate enough to put up a house and make into a year round house. He further shared that when they retired, they would like to move up to Alton permanently, and the purpose of the garage would be to store their vehicles in the winter months and to have parking when guests visited.

Paul Monzione opened up public input. No public input. Paul Monzione closed public input.

Paul Monzione asked the Board if they had any further questions/discussion.

Steve Miller had questions for discussion with the Board. His questions had to do with the spirit of the ordinance, hardship, and the intent of the Master Plan. He was having an issue with, was there a right for an individual to have a two-car garage. Did it state anywhere that they had a right to a one-car garage? For instance, if this was a one-car garage, there may not have been an issue. If there were a three-car garage, there would most certainly be an issue, because they were having issues with a two-car garage. Under hardship, was it the intent of the Master Plan that they would be entitled to a two-car garage, which was probably average for most families, or if that was not the intent of the Master Plan, then was that a legitimate hardship?

Tim Morgan stated if an applicant could make a reasonable use of the property, then it was not a hardship, and trying to cram something onto a piece of property that it would not fit on, does not warrant applying for hardship.

Paul Monzione stated that Tim Morgan made a good point. He also stated that if they were to install a 12.5' x 24' one-car garage, that would meet requirements to be within the side setbacks, with the exception of maybe about a couple inches, unlike the 22' x 24' two-car garage, which would encroach the side setbacks by five (5) feet. Were the applicants demonstrating a sufficient hardship by having a one-car garage, which was a reasonable use of the property and was available with a lesser Variance?

Paul LaRochelle stated that even if they put in a one-car garage, it would still be a non-conforming structure. Paul Monzione stated that it would only be by a few inches. Frank Rich stated that it would still be non-conforming. Paul LaRochelle further stated that there was a uniqueness with the property and found that there was a hardship, because even with a one-car garage, it was still non-conforming.

Frank Rich stated that Paul LaRochelle brought up a good point. He explained that the applicant was taking their garage off their neighbors property, and also moving the septic way up, and felt that there were significant enough improvements. John Dever, III, stated that the existing garage was 225 s.f. total, and he would consider about 5 s.f. of that as being conforming at present because not only were they completely in the setback, they were also encroaching onto the neighboring property. On the proposed garage, the encroachment was an additional 15 s.f., which was a total of 240 s.f. There was approximately 15 extra feet of increased encroachment, but all that was on their lot and was not on the neighbor's lot. Paul LaRochelle stated that was the point he was trying to make, they were taking their garage off their neighbor's property.

Paul Monzione stated that there was nothing to prohibit the applicant from taking his structure off his neighbor's land. The applicant could still put their leach field where it was being proposed to be put now, even without building a two-car garage. Frank Rich stated that was true, but if they did not put up a garage, they

could make the leach field a lot closer to the lake. Paul Monzione stated that was true. Frank Rich wanted to talk more about Steve Miller's questions. Steve Miller asked, was it the intent of the Master Plan to give an applicant an inherent right for them to have a one-car garage, two-car garage, three-car garage, or a four-car garage. Paul stated that there were no restrictions on what a resident could put on their property as long as it complied with the Zoning Ordinances. Paul Monzione further stated that in this case, the Zoning Ordinance did not permit the two-car garage without the Variance to build it. He further stated that one of the most important criterion was hardship. If the property had another reasonable use, sometimes hardship was not proven because of that other reasonable use. He also stated that he thought the property had no other reasonable use, except for a garage, which was appropriate for a residential structure, and as Paul LaRochelle and Frank Rich had both pointed out, whatever garage they built would be an encroaching structure.

Lou LaCourse stated that a typical house had a two-car garage, but if you looked throughout the town of Alton, many homes do not even have a garage. Steve Miller stated that his point was the intent of the Master Plan, not the Regulations, and asked if the Master Plan stated anywhere that a house should have a garage. Paul Monzione stated that he had not seen that. Paul Monzione stated that the Master Plan was a guideline, for example, of what the people of Alton would like to see in terms of what types of development and improvement of real estate occurs within the town. John Dever, III, stated that the intent of the Master Plan was that the areas were used as they were intended. In cases like this, it was a residential area, and the use of a garage as an accessory dwelling was accepted.

Tim Morgan was concerned about the threshold. This case had been considered once and was denied by the Board. Then it came back a second time and the applicant withdrew. Now they were back a third time and he did not see that what was presented tonight was sufficiently different from what the Board turned down initially and did not feel that it was a new application because they were still into the setbacks. Paul Monzione stated that they addressed this issue and before they made a determination with the previous application, the applicant took advantage of withdrawing. Tim Morgan mentioned that the applicants stated they made a substantial change, and he did not feel they made that change substantial enough.

Paul Monzione talked about the current application and the previous application that was already ruled on and how the structure was reduced by two feet in width and felt that was the only change. He then asked the Board if they felt there were more changes than that. Steve Miller stated that there was not enough adequate criteria to show hardship. Paul Monzione thanked him for his input, but the matter before the Board now was whether reducing the garage by two feet constituted a new application or not, because as a Board, they do not want to keep rendering decisions only to have an applicant come back because they did not like the first decision. Paul Monzione stated that the threshold question from Tim Morgan was a good question because that brought up whether the current application was different from the first application that was denied.

Paul Monzione explained to Frank Rich that the reason the applicants withdrew at the last meeting was because they had been before the Board previously last fall and the Board denied it. Last month when the application was before the Board, the issue came up again and after a discussion with the applicant, the Board felt they were submitting the same application they had previously denied and the applicant withdrew on the basis that they would come back with a significantly different application. In Paul Monzione's opinion, the current application only changed the building from 24 feet wide to 22 feet wide, so the issue arose again, as to whether or not that was a significant enough change to warrant the Board to go through the process again and make another decision.

Paul LaRochelle asked what constituted a significant change, because he felt that this application had a significant change. Paul Monzione stated that it was up to the Board as a whole to define what a significant

change was. Paul LaRochelle stated again that he felt that the uniqueness of the property constituted a hardship. Paul Monzione stated that you only get to the uniqueness of the property only if the Board considered the application, and once the Board went into special circumstances of the properties; they do not get to the hardship analysis unless it was appropriate for the Board to revisit the whole application after the Board had already decided the case the first time. The question now was should the Board be deciding the case a second time, and if so, why. The only reason he could think of was, would the Board have the legal right to do so was if it was a different application than the one that was denied. Paul Monzione stated that the Board did not have a chance to rule on whether this was a new application or not last month, because they applicant withdrew. Frank Rich mentioned that it was Tim Morgan's opinion that there was not significant enough changes, and he respectively disagreed with him.

Paul Monzione asked the Board for a motion to consider whether this was a new application and should be considered as such, or whether the Board, after making their consideration, rendered their determination that this was the same application that had been previously denied; therefore the Board would not review it.

Steve Miller thought that the change was significant.

Tim Morgan moved that the Board not consider this application, because it was not a new application and had not been filed as an appeal.

Steve Miller suggested that generally a member should make a motion in the positive so that it could not be misconstrued as ambiguous, according to Robert's Rules of Order, and then they vote on the positive. Paul Monzione stated that they do not strictly follow Robert's Rules of Order, but appreciated the suggestion.

**Tim Morgan moved that this was not a new application and not subject to consideration.
Lou LaCourse seconded.**

Paul Monzione open up the floor to the Board for discussion.

John Dever, III, stated that in his opinion, there was a change in the request. The original request was for 288 s.f. of encroachment and this request asks for 240 s.f.

Lou LaCourse agreed there was a difference, but was it a significant difference?

Paul Monzione made note of John Dever, III's, department head review in which it stated that the existing garage had 225 s.f. of which 15 s.f. plus or minus was conforming, leaving a present encroachment of 215 s.f. The request was to allow the new garage to have a total setback encroachment of 288 s.f., an increase of 73 s.f., which had to do with the current garage. John Dever, III, shared that the number of s.f. that was given to him had included the eaves, so when he calculated it again, it was actually 240 s.f. of encroachment, not 288 s.f.

Motion was DENIED by a vote of (3-2-0).

Paul Monzione stated that the determination of the Board was that it did not constitute a new application; therefore, the Board would not consider it any further. It was determined that it was the same application that was previously denied.

Thomas W. Varney, P.E., stated that what he got from this was that he could not come back and that he was concerned that he would have to conform. Paul Monzione suggested to Thomas W. Varney, P.E., to work with John Dever, III, and Nic Strong in the Planning Department, as to what might be feasible in the future.

VI. ELECTION OF PLANNING BOARD OFFICERS

A vote was taken amongst Board members on who the new Officers of the Board would be:

Paul Monzione moved to nominate Steve Miller as Chairman.

Lou LaCourse seconded. Motion was PASSED by a vote of (5-0-0).

Lou LaCourse moved to nominate Paul LaRochelle as Vice-Chairman.

Steve Miller seconded. Motion was PASSED by a vote of (5-0-0).

Lou LaCourse moved to nominate Paul Monzione as Clerk.

Steve Miller seconded. Motion was PASSED by a vote of (5-0-0).

Paul Monzione stepped down as Chairman.

Steve Miller stepped in as Chairman.

VII. OTHER BUSINESS

1. New Business:

- a. Paul Monzione mentioned that there was a Right-to-Know meeting that was being held on April 27, 2017, at 6:00 pm in the Selectmen's chambers, for all current Board/Committee/Commission members.

2. Approval of Meeting Minutes: December 1, 2016 and March 2, 2017

Lou LaCourse moved to approve the Minutes of December 1, 2016, as written.

Paul LaRochelle seconded. Motion was PASSED by a vote of (5-0-0).

Lou LaCourse noted that on the March 2, 2017, Minutes, on Page 3 #6, the second line should state, "the septic system would be designed and constructed with the hair trap." Tim Morgan noted that on the bottom of Page 4, it should state, "four feet from the setback."

Lou LaCourse moved to approve the Minutes of March 2, 2017, as amended.

Paul LaRochelle seconded. Motion was PASSED by a vote of (5-0-0).

John Dever, III, shared with the Board that he had one Land Use Law Book, but could order more if everyone wanted one; Paul Monzione mentioned that he would like the copy.

VIII. ADJOURNMENT

**At 8:15 p.m., Paul Monzione moved to adjourn.
Lou LaCourse seconded. Motion PASSED by a vote of (5-0-0).**

Respectfully submitted,

Jessica A. Call
Planning Secretary