

**TOWN OF ALTON-ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES 2019
MAY 2, 2019**

APPROVED

Members Present:

Paul Monzione, Chairman
Frank Rich, Vice-Chairman
Paul LaRochelle, Clerk
Tim Morgan, Member

Others Present:

John Dever, III, Code Official
Thomas Lee

CALL TO ORDER

Paul Monzione called the meeting to order at 6:02 P.M.

APPOINTMENT OF ALTERNATES

APPROVAL OF AGENDA

Paul Monzione asked if there were any amendments to the agenda. John Dever, III, responded that the applicants for Case #Z19-06 were not present, and that the case would not be able to be heard. After a brief discussion, Tim Morgan recommended that the Board accept the agenda as presented, open the case, and then discuss further action.

**Tim Morgan MOVED to approve the May 2, 2019, agenda, as presented.
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).**

STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is 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 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 have been or will be met.

CONTINUED FROM APRIL 4, 2019

Case #Z19-06 Cynthia A. Johnston, Trustee of the Noble Realty Trust, Jason J. Schopper & Luciana A. Rodrigues, Owners	Shields Way Map 37 Lot 29-2	Special Exception Lakeshore Residential (LR) Zone
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A Special Exception is requested from **Article 300 Section 360. 2.**, of the Zoning Ordinance to permit the construction of a garage as the principal building on a lot in the Lakeshore Residential Zone.

The Chairman read the case for the record.

John Dever, III, relayed that the applicants were not present. The applicant, Cynthia Johnston, had contacted him to change the request to a shed, which does not require a hearing. He had informed her that regardless, in order to issue a building permit, she would have to have the consent of all the co-owners. She had not indicated at that time whether she wanted to continue with the Special Exception for the garage or not. The Board decided to continue the application to the next regularly scheduled meeting in order to give the applicant an opportunity to continue with the application, if so desired.

Frank Rich MOVED to continue Case #Z19-06 to the next regularly scheduled meeting on June 6, 2019.

Paul LaRochelle seconded the motion, and it PASSED by a vote of (4-0-0).

<p>Case #Z19-11 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Roger & Catherine LaRochelle, Owners</p>	<p>4 Grammy's Way, #4 Map 55 Lot 1-4</p>	<p>Special Exception Lakeshore Residential (LR) Zone</p>
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A Special Exception is requested from **Article 300 Section 320D**, of the Zoning Ordinance to permit a six (6') foot wide deck on the lakeside of the cottage with an extension of the deck to the side of the building and a connecting handicapped ramp.

The Chairman read the case for the record.

Thomas W. Varney, P.E., and Roger & Catherine LaRochelle came forward to present the case.

Paul LaRochelle stated for the record that, although they shared the same name, he was not related to the applicants, and had met them for the first time tonight.

Thomas W. Varney, P.E., spoke to the application. The LaRochelle's owned a cabin at #4 Grammy's Way. The LaRochelle's wanted to add a six (6') foot open deck at the lakeside of the cottage that would continue around the side to access the entry door. The right corner of the deck would be angled to comply with the Town's 30' Shorefront setback. The side access would be a ramp to replace the existing steps. The reason for the ramp was that Mrs. LaRochelle had a medical condition that hampered her ability to travel up and down stairs. A DES Shoreland permit was required for the construction.

Paul Monziona asked for clarification of the reason for the request. Thomas W. Varney, P.E., answered that it was because the property was nonconforming due to it having multiple dwellings on one lot; there were three (3) other dwellings on the lot. The units were condominiumized in 2007. The request had been put before the Condominium Association and had been approved. There were several questions from other Board members regarding the parking, access to the cottage, and septic system capacities. Mr. LaRochelle explained that, presently, they had a picnic table in the side yard, which was somewhat

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uneven, that required Mrs. LaRochelle to go up and down the stairs frequently. Having the deck would allow both Mr. & Mrs. LaRochelle to enjoy the outside at the house level minimizing her inconvenience.

Paul Monziona opened public input. No one present spoke in favor or against the application. Paul Monziona closed public input.

Paul Monziona moved the Board onto the worksheet.

Tim Morgan stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B.

All Board members agreed.

Paul LaRochelle stated that the specific site **is** an appropriate location for the use.

All Board members agreed.

Frank Rich stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses.

All Board members agreed.

Paul Monziona stated there **is no** valid objection from abutters based on demonstrable fact.

All Board members agreed.

Tim Morgan stated that there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.

All Board members agreed.

Paul LaRochelle stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated.

All Board members agreed.

Frank Rich stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

All Board members agreed.

Paul Monziona stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan.

All Board members agreed.

Tim Morgan MOVED to grant the Special Exception for Case #Z19-11, with the condition that the applicant obtain the required DES approvals.

Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).

OTHER BUSINESS

1. Previous Business:

2. New Business:

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- a. Thomas Lee applied to sit on the ZBA as an alternate.

Paul Monzione MOVED to appoint Thomas Lee as an Alternate for the Town of Alton's ZBA, with his seat expiring in March of 2022.

Paul LaRochelle seconded the motion, and it PASSED by a vote of (4-0-0).

3. Approval of Minutes: March 7, 2019, and April 4, 2019

**Tim Morgan MOVED to accept the minutes of March 7, 2019, as amended.
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).**

**Tim Morgan MOVED to accept the minutes of April 4, 2019, as amended.
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).**

4. Correspondence:

ADJOURNMENT

At 7:05 P.M., Paul LaRochelle MOVED to adjourn.

Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).

Respectfully submitted (no recording available – minutes based on Code Official's notes),

Jessica A. Call
Recording Secretary

Minutes approved as submitted: June 6, 2019