

TOWN OF ALTON
ALTON ZONING BOARD OF ADJUSTMENT
Meeting Minutes
Approved as amended 7/23/09
May 7, 2009

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

Others Present: Sharon Penney, Town Planner
Randy Sanborn, Planning Secretary, Planning Department

I. CALL TO ORDER

P. Monzione called the meeting to order at 7:09PM.

II. ROLL CALL

All members were present.

III. APPOINTMENT OF ALTERNATES

There were no alternates appointed.

IV. STATEMENT OF THE APPEAL PROCESS

[The Statement of the Appeal Process was not read. There were no members of the public present.]

V. CONTINUANCE

Case #Z09-10
Catherine & Matthew Bell

Map 34; Lot 33

Special Exception
75 Mount Major Highway

Application submitted by Roger Sample d/b/a Building Maintenance Service on behalf of applicants Catherine & Matthew Bell to request a Special Exception from Article 300, Section 320 b2c & A4 to allow for the expansion of a non-conforming structure. This parcel is located within the Residential Zone.

S. Penney reported that this would be continued at a future meeting and that there was an outstanding DES violation. She reported that the town's attorney did not want this to move forward until the Conference Center had a definitive plan.

MOTION:

T. Kinnon motioned to continue Case #Z09-10 at the request of the town, to the next regularly scheduled meeting. T. Morgan seconded the motion. The motion passed by unanimous vote.

VI. APPROVAL OF AGENDA

MOTION:

T. Morgan motioned to approve the agenda, as amended and S. Hurst seconded the motion. The motion passed by unanimous vote.

VII. APPROVAL OF MINUTES

March 5, 2009

The Board reviewed the meeting minutes of March 5, 2009. P. Monziona noted a typographical correction on page four. S. Penney reported there was some confusion about the decision on page four. The Board discussed the missing motion from the first case. P. Monziona requested that a note from the Planner should be added to the meeting minutes of March 5, 2009 to note the motion made in the March 11, 2009 meeting minutes.

The meeting minutes of March 5, 2009 and March 11, 2009 were tabled for a future meeting.

April 2, 2009

T. Morgan requested more time to review the meeting minutes of April 2, 2009. P. Monziona agreed it would be a good idea. It was the consensus of the Board to table the meeting minutes.

MOTION:

T. Morgan motioned to table the meeting minutes of April 2, 2009 and S. Hurst seconded the motion. The motion passed by unanimous vote.

VIII. OLD BUSINESS

S. Penney stated that in January 2009, a Special Exception was given to Mr. Brandt, to put in a new septic system. She reported he had to go to the Planning Board and he was not meeting the requirements for the new septic, according to zoning. Mr. Brandt went to DES and Conservation was copied on that application. She reported that a plan came about that was not what was reviewed and approved by Zoning Board in January. The new plan shows the current house would be razed and there were issues with the set-backs. She reviewed the conditions of the motion for approval of the case and reported that Tom Hoopes is looking at the plans in light of Conservation. She noted that it looked like a "bait and switch".

P. Monziona spoke about the need for enforcement of the granting of the application and felt that this case underscored the need for this meeting. He spoke about what type of process could be put in place for enforcement.

T. Kinnon spoke about a conversation he had had with Thomas Hoopes about enforcement and reported that he was told the Board could appoint a person to specifically see that the Board's conditions are met.

P. Monzione stated that this should be discussed with Jim Sessler and felt there is an urgent need for enforcement.

S. Hurst stated that the ZBA Chair should write a letter and felt that the Selectmen should be included.

P. Monzione stated he would be glad to write a letter and confirmed that this would be a “work session”. He spoke about possibly including some dates in the letter so that one date could be picked for the work session.

T. Kinnon felt that the Town Planner should be coordinating meeting and stated the Town Planner should be “in the loop”. He spoke about the importance of including the Town Planner, legal council, etc., in the meeting. He felt that there was more going on than just what was in the content of the emails.

P. Monzione stated that the Code Enforcement Officer had felt he was not responsible for enforcing this. He stated that the conversation T. Kinnon had mentioned may have underscored the comments the Code Enforcement Officer had made.

There was an open discussion about who should be at the work session. P. Monzione stated he wanted to hear the Code Enforcement Officer’s point of view on the situation so that he could better understand his position on the issue. He stated he would write a letter to town council and that he would ask for some dates for the Board to consider.

There was discussion about the case presented by Mr. Brandt. T. Morgan asked if the meeting minutes were “verbatim”. There was discussion about the need for the motions to be more specific. S. Penney reviewed the meeting minutes from the January 2009 meeting where the Brandts had presented their case. She noted that the plans presented by the Brandts were not what were approved by the ZBA and Planning Board.

S. Penney confirmed that a copy of the application, notice of decision, and minutes had been requested by T. Morgan.

IX. NEW BUSINESS

S. Penney reported that they had been approached by abutters to the Brewster project. A request for a re-hearing has been requested. She stated that because the applicant was notified of the re-hearing that the applicant had refused. She stated they have 30 days from April 29 to decide how they want to deal with this: there could be a special meeting and could hear the motion.

There was discussion about the action that the Board could take. T. Kinnon stated that once they met the 30-day deadline that they had no deadline after that. P. Monzione stated that they, as a Board, do not have a 30-day deadline but that the person requesting the re-hearing has 30-days to apply for the re-hearing.

P. Monzione stated that the motion was timely filed and S. Penney confirmed that it was but that they were not able to get on this agenda because there was not enough time to get the notices printed. P. Monzione suggested that the motion for the re-hearing could be scheduled and

arguments could be heard on both sides; then the re-hearing, if needed, could be scheduled and done.

T. Morgan asked what the criteria for a re-hearing would be. S. Penney presented the RSA on the criteria for the re-hearing. The Board reviewed the RSA for the re-hearing and the time-frame needed to complete the request for the re-hearing. It was the consensus of the Board that a special meeting would be needed. S. Penney reviewed the timing of the notices being printed in the paper and concluded that Thursday, May 21, 2009 at 7 PM would be the nearest date. It was felt that a regular meeting date would not suffice.

MOTION:

T. Morgan motioned that there would be a special meeting on Thursday, May 21, 2009 at 7:00 PM to consider the issue of whether they would grant a rehearing of the Brewster case and if it is decided that a re-hearing is needed, there will be a separate date set for the re-hearing. S. Hurst seconded the motion. The motion passed by unanimous vote.

X. CORRESPONDENCE

S. Penney passed out some information on HB-446 and some correspondence from Plan Link of pros and cons.

XI. ADJOURNMENT

T. Morgan motioned to adjourn and S. Hurst seconded the motion. The motion passed by unanimous vote.

The meeting adjourned at 8:17 PM.

Respectfully Submitted,

Krista Argiropolis
Recorder