

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
DRAFT MINUTES
Public Hearing
June 2, 2016
(Approved Sept. 1, 2016)**

I. CALL TO ORDER

Chairman Paul Monzione opened the meeting at 6:11 p.m. He noted that the board had waited for Mr. Miller, but had decided to proceed in hopes that Mr. Miller was en route.

The following members were present: John Dever III, Code Enforcement Officer; Paul Monzione, Chair, Timothy Morgan, Vice Chair, Lou LaCourse, Member, Paul Larochelle, Member, Frank Rich, Alternate Member

Absent: Steve Miller, Member

II. APPOINTMENT OF ALTERNATES

F. Rich was present. P. Monzione reported he would need to recuse himself from the first case, and recommended that F. Rich was appointed as an alternate.

T. Morgan motioned to appoint Frank Rich as an Alternate Member for the June 2, 2016 meeting of the Alton Zoning Board. Second by P. Larochelle. The motion passed by a vote

III. 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 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 has been or will be met.

IV. APPROVAL OF THE AGENDA

There was a brief review of the agenda. P. Monziona asked the applicants for case Z16-09 to come to the table. He explained that he would need to recuse himself from the case, and presented options to the applicant for this evening's hearing, including a continuance, a hearing with four members of the board if they were to go first on the agenda, or for them to wait through the meeting, to see if Mr. Miller would arrive. Attorney Michael J. Malaguti and the applicant, John G. Goodrich responded they would prefer to wait for the end of the meeting.

T. Morgan motioned to move case Z16-09 to the end of the agenda, and to continue on with the agenda, as presented. Second by L. Lacourse. Motion passed by a vote of 5-0-0.

V. NEW APPLICATIONS

Z16-12 Olymbia Pappaioannou	Map 5; Lot 74-4	Special Exception 532 Suncook Valley Road (Rt 28S)
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Apostolos Pappaioannou, agent for Olymbia Pappaioannou, is requesting a Special Exception to Article 400, Section 401 Table of Uses, Subsection "Retail Business and Services", #6 Automotive Truck and Motor Vehicle Used Dealer" of the Zoning Ordinance to allow for the purchase and sales of used motor vehicles on the property located at 532 Suncook Valley Road. This property is located in the Rural Zone.

J. Dever reported the applicant was not present.

L. LaCourse motioned to move case Z16-12 to the end of the agenda. Second by P. LaRochelle. Motion passed by a vote of 5-0-0.

Z16-13 JOBEAN, LLC	Map 26; Lot 10	Variance 19 Homestead Place
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Jenn Robichaud of Barlo Signs, agent for JOBEAN, LLC, is requesting a Variance from Article 300, Section 340 I.2 of the Zoning Ordinance to allow for wall signage larger than 10 s.f. and to allow for two signs. The signage is for a proposed urgent care facility located at an existing commercial property. This property is located in the Residential Commercial Zone.

Markus Hampers spoke his name into the record, and introduced Jenn Robichaud to the board.

There was a discussion about the three cases that were coming to the board tonight from the applicant. The board decided to review each case for completeness, separately. J. Dever noted that the representatives at the table were not the ones he thought they would be working with tonight. P. Monziona stated he needed to recuse himself from this case. T. Morgan took over as Chair for this portion of the hearing.

T. Morgan asked the applicant if they wished to continue with four members of the board. M. Hampers stated they preferred to continue.

P. Larochelle motioned to accept application Z16-13, as complete. Second by F. Rich. Motion passed by a vote of 4-0-0

J. Robichaud presented photos and drawings to the board of the area and the proposed building and signs. M. Hampers spoke about the service that the urgent care facility would provide to the area. He felt that the large signs were justified so that people would be able to easily locate the facility. There was a discussion about the size of the signs and the placement of them. F. Rich asked if the "Urgent Care" sign or the "Clear Choice MD" sign was more important. M. Hampers stated that Urgent Care sign was more important to him. F. Rich discussed the size of the sign that was requested, and asked the applicant to consider a smaller sign for the "Clear Choice MD", as a compromise.

It was decided that the Urgent Care sign would be in 19" letters and with a two foot high logo, and that the Clear Choice MD sign would be [inaudible] and at a different elevation.

T. Morgan opened up public input. There was no one to speak for or against the case.

T. Morgan moved the board on to the worksheet. There was discussion about combining the other two cases under one worksheet, but some members of the board did not agree. It was felt that the board should review the cases separately. L. LaCourse stated he felt this request was

against the Master Plan, and felt that this would set a precedence. There was discussion about the Master Plan, and it was last updated in 2005.

L. LaCourse stated that the variance *is* contrary to public interest and felt it would set a needless precedence. F. Rich did not agree with L. LaCourse, and felt that the request would not be contrary to public interest. P. Larochelle agreed with F. Rich and felt that this is an area where it is difficult to see the buildings and signs. T. Morgan agreed with F. Rich. (3-1-0)

F. Rich felt the use *is* in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it is proposed. P. Larochelle and T. Morgan, agreed, and L. LaCourse did not agree. (3-1-0)

P. Larochelle agreed that by granting the variance substantial justice *will be* done. T. Morgan and F. Rich agreed. L. LaCourse did not agree. (3-1-0)

T. Morgan felt that the request *would not* diminish the value of the surrounding properties because the variance would likely enhance property value. L. LaCourse did not agree. P. Larochelle and F. Rich agreed. (3-1-0)

L. LaCourse felt that the provision *would not* alleviate an unnecessary hardship because it would lift the restrictions but that this was an appropriate use. He noted felt that there was no hardship. F. Rich disagreed, and felt the request and use were reasonable. P. LaRochelle agreed with F. Rich. T. Morgan agreed with F. Rich. (3-1-0)

P. Larochelle motioned to grant the variance to Z16-13. T. Morgan amended the motion to approve the amended proposal for the sign at 40 sq. ft., 18 ft. high, presented by the applicant. Second by F. Rich The motion passed by a vote of three to one. (3-1-0) (No - L. LaCourse)

Z16-14 JOBAN, LLC	Map 26; Lot 10	Variance 19 Homestead Place
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Jenn Robichaud of Barlo Signs, agent for JOBAN, LLC, is requesting a Variance from Article 300, Section 340 I.2 of the Zoning Ordinance to allow for wall signage larger than 10 s.f. and to allow for two signs. The signage is for a proposed urgent care facility located at an existing commercial property. This property is located in the Residential Commercial Zone.

T. Morgan moved the board on to the worksheet.

F. Rich stated that the variance **is not** contrary to public interest. P. Larochelle and T. Morgan agreed. L. LaCourse did not agree.

P. Larochelle felt the use **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it is proposed.. F. Rich and T. Morgan, agreed, but L. LaCourse did not agree. (3-1-0)

T. Morgan stated that by granting the variance substantial justice **will be** done. P. Rochelle, and F. Rich agreed. L. LaCourse did not agree. (3-1-0)

L. LaCourse felt that the request **would not** diminish the value of the surrounding properties because the variance would likely enhance property value. T. Morgan, P. Larochelle and F. Rich disagreed with L. LaCourse'. (3-1-0)

F. Rich felt that the provision **would** alleviate an unnecessary hardship because it would lift the restrictions and that this was an appropriate use. P. LaRochelle and T. Morgan agreed. L. LaCourse disagreed. (3-1-0)

F. Rich motioned to grant the variance to Z16-14. T. Morgan amended the motion to approve the amended proposal, presented by the applicant, to be reduced in size and raised in elevation. Second by P. LaRochelle. The motion passed by a vote of three to one. (3-1-0) (No - L. LaCourse)

Z16-15 JOBAN, LLC	Map 26; Lot 10	Variance 19 Homestead Place
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Jenn Robichaud of Barlo Signs, agent for JOBAN, LLC, is requesting a Variance from Article 300, Section 340 I(1) and I(2) of the Zoning Ordinance to allow a freestanding sign of 49.94 s.f., 20' tall and at 0' setback and exceeds the allowed number of freestanding signs presently on the site. The signage is for a proposed urgent care facility. This property is located in the Residential Commercial Zone.

There was discussion about the height and square footage of the sign. The board discussed other signs that had been approved, such as the McDonald's sign, and message board. The applicant decided he would like a break to discuss his options. There was a brief break.

The applicant requested to amend the size of their their sign. They stated they had decided to have a 40.0 s.f. sign, 18' tall, sign, and that they would design the sign.

T. Morgan opened public input. There was no one to speak for or against the application. T. Morgan moved the board on to the worksheet.

P. Larochelle stated that the variance **is not** contrary to public interest. T. Morgan, L. LaCourse, and F. Rich agreed.

T. Morgan felt the use **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it is proposed.. L. LaCourse, F. Rich, and P. Larochelle agreed.

L. LaCourse stated that by granting the variance substantial justice **will be** done. F. Rich, P. Larochelle, and T. Morgan agreed.

F. Rich felt that the request **would not** diminish the value of the surrounding properties because the variance would likely enhance property value. P. Larochelle, T. Morgan and L. LaCourse agreed.

P. Larochelle felt that the provision **would** alleviate an unnecessary hardship because it would lift the restrictions and that this was an appropriate use. T. Morgan, L. LaCourse, and F. Rich agreed.

P. Larochelle motioned to grant the variance to Z16-15, and to accepted the proposed amended size of the sign, 40.0 s.f. sign, 18' tall. Second by F. Rich. The motion passed by a vote of four. (4-0-0)

VI. CONTINUEDAPPLICATIONS

Z16-09 John A. Goodrich and Lisa M. Nicastro	Map 9; Lot 33-2	Variance 239 Henry Wilson Highway
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Attorney Michael J. Malagunti, agent for John A. Goodrich and Lisa M. Nicastro, is requesting a Variance from Article 300, Section 340 J.2 for directional signs located off site and to be limited two signs per business, institution or activity and not to exceed (16) square feet per sign and Section 340 D, the overall height of any free standing sign shall not exceed (16) feet and shall be set back a minimum of five (5) feet from any lot line of the Zoning Ordinance to construct and L-Shaped sign having two 8' by 16' faces, which will face Route 11 and will be located approximately 1' from the edge of Route 11, ROW. This property is located in the Residential Rural Zone.

P. Monziona stated he needed to recuse himself from this hearing because he had a professional relationship with Attorney Malagunti. He apologized that Mr. Miller was not present. T. Morgan took over as chair.

The board reviewed the applications for completeness.

P. Larochelle motioned to accept case Z16-09 as complete. Second by L. LaCourse. Motion passed by a vote of 4-0-0.

There was a review and discussion of the request, and M. Malagunti handed out additional materials for the board to review. The board reviewed the visibility of the sign, location, and placement of the sign. M. Malagunti felt the request was in keeping with the character of the area, and consistent with other signs that mark the entryway into the town.

There was discussion about the sign as a two-sided, bi-direction sign. The sign would be illuminated, and there would be advertising for Alton businesses on the south-side of the sign. The square footage of the sign was discussed.

T. Morgan opened up public input.

P. Monziona, an abutter, spoke about some of the signs that had been discussed, such as the Maxfield Real Estate sign and the St. Catherine Drexell sign. He stated he was not speaking for or against the sign, and he voiced his concern about illuminating the sign.

Public input was closed.

M. Malagunti stated that they would like to do away with the north-facing side of the sign and the illumination of the sign. The sign would then be 128 s.f., and with no illumination. There was discussion about the sign, and the possibility of having Alton advertisers using the sign but that other local businesses could also advertise on the sign. It was felt that the applicant should not restrict himself to the location of the advertisers. T. Morgan asked M. Malagunti to review the hardship portion of the application again.

T. Morgan moved the board on to the worksheet.

L. LaCourse stated that the variance *is* contrary to public interest and felt it would set a needless precedence. F. Rich agreed with L. LaCourse. P. Larochelle did not agree and felt it as not in contrary to public interest. T. Morgan agreed with L. LaCourse.

F. Rich felt the use *is not* in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it

is proposed. P. Larochelle did not agree with F. Rich. T. Morgan and L. LaCourse agreed with F. Rich.

P. Larochelle agreed that by granting the variance substantial justice **will be** done. T. Morgan, L. LaCourse, and F. Rich did not agree with P. Larochelle.

T. Morgan felt that the request **would** diminish the value of the surrounding properties. L. LaCourse and F. Rich agreed. P. Larochelle did not agree.

L. LaCourse felt that the provision **would not** alleviate an unnecessary hardship because it would lift the restrictions but a that this was not an appropriate use, and felt that that kind of sign was not conducive to the Master Plan. F. Rich agreed with P. LaCourse and stated that if the applicant came back with a proposal that was within the square-footage, it would be more reasonable. P. Larochelle did not agree. T. Morgan agreed with L. LaCourse.

L. Lacourse motioned to deny the request for the variance to Z16-09. Second by F. Rich. The motion passed by a vote of three to one. (3-1-0) (No - P. Larochelle)

Z16-16 Olympia Pappaioannou	Map 5; Lot 74-4	Special Exception 532 Suncook Valley Road (Rt. 28S)
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Apostolos Pappaioannou, agent for Olympia Pappaioannou, is requesting a Special Exception to Article 400, Section 401 Table of Uses, Subsection “Retail Business and Services”, #6 Automotive Truck and Motor Vehicle Used Dealer” of the Zoning Ordinance to allow for the purchase and sales of used motor vehicles on the property located at 532 Suncook Valley Road. This property is located in the Rural Zone.

It was noted that the applicant was not present at this time.

T. Morgan motioned to table application Z16-12 to the July 7, if the applicant appears at that time and has a reasonable expectation, that the continuance would not be counted against them. Second by L. Lacourse. Motion passed unanimously.

VI. PREVIOUS BUSINESS

There was no other business.

VII. NEW BUSINESS

P. Monzione recommended that F. Rich take the opportunity to sit with the town's attorney, and to have a protocol in place, for orienting new members of the board.

The board reviewed the meeting minutes of May 5, and requested the following corrections: Page 4 of 8, last section, correct the date to read June 2; correct that P. Monzione is an abutter, which is why he had to recuse himself.

Page 7 of 8 - correct to say there's adequate space for sewage, and also correct the date to read June 2, and correct Vice Chair to read Vice Clerk.

P. Larochelle motioned to approve the amended meeting minutes of May 5, 2016. Second by L. LaCourse. Motion passed by a vote of four. (4-0-0)

The board reviewed the meeting minutes of May 19. Two corrections were requested: correct date of meeting and strike that S. Miller was absent

P. Larochelle motioned to approve the amended meeting minutes of May 5, 2016. Second by L. LaCourse. Motion passed by a vote of three, with P. Monzione abstaining. (3-0-1)

There was no correspondence.

VI. ADJOURNMENT

L. LaCourse motioned to adjourn. Second by P. Larochelle. Motion passed. (4-0-0). Meeting adjourned at 9:08 p.m.

Respectfully Submitted,

Krista Argiropolis
Recording Secretary