

**TOWN OF ALTON
ALTON ZONING BOARD
MEETING MINUTES
Approved as corrected 7/23/09
JUNE 4, 2009**

Members Present: Paul Monzione, Chair
Timothy Morgan
Stephen Hurst

Members Absent: Timothy Kinnon

Others Present: Stacey Ames, Planning Assistant
Members of the Public

I. CALL TO ORDER

P. Monzione called the meeting to order at 7:15 PM and introduced the members of the Alton ZBA.

II. APPOINTMENT OF ALTERNATES

There were no alternates appointed.

P. Monzione reported that a board member was absent and that there were three cases on the agenda that evening. He stated that applicants had the option to decline having their case heard that night if they felt they wanted to have the fourth member of the board present because a majority (quorum) was required for approval. He stated that Timothy Kinnon was supposed to be joining them and they had spoken with him but he was not present at the time the meeting was called to order.

III. STATEMENT OF THE APPEAL PROCESS

P. Monzione read the Statement of the Appeal Process.

IV. APPROVAL OF AGENDA

MOTION:

T. Morgan motioned to approve the agenda as written and to add “public input” to the agenda. Stephen Hurst seconded the motion. The motion passed by unanimous vote. (PM, TM, SH / absent – TK)

V. PUBLIC INPUT

Pat Fuller, Alton Selectmen Chair and liaison to the ZBA, thanked the board for the time to speak with them. She reported that the selectmen had worked hard on the memo titled “*Conflict of Interest*” that would be presented to all employees of the town. The memo was not signed by the town’s attorney or by

Selectman Dave Hussey because it had just been completed and sent out. She noted that those signatures would be included on the memo before it was sent out to employees.

P. Fuller read the memo into the minutes. [See attached.] A copy of the memo was given to all members of the public and the members of the ZBA.

P. Monziona asked if a copy of the memo could be included as part of their record. He thanked P. Fuller for being present at the meeting and for bringing her concerns to the Board's attention. P. Fuller stated that the Selectmen felt this was very important in light of the recent activities. She stated the Board of Selectmen (BOS) had a very strong stance on this issue. She stated that she had made comments at Monday night's BOS meeting, as a liaison of the ZBA, and she was available for questions if any members of the ZBA had questions for her. She stated that the Planning Board and ZBA had no enforcement rights at all, "none, zero". She stated that there were five individuals in the town (town employees) who were responsible for enforcement and that any concerns for enforcement of zoning issues should be communicated in a memo to the Selectmen. She stated that making public comments and complaints when the ZBA had not followed the proper chain of command put the BOS in a precarious position. She stated the BOS was the enforcement body and they took this issue seriously. She stated that department heads would protect their department members from negative comments by the ZBA and Planning Board. She stated the comments made by the ZBA were mild. She stated that the chair of ZBA had communicated with her that they (the ZBA) were not exactly sure how things were set up and how they were enforced.

P. Monziona stated that the question of who enforces the conditions has come up over the several years he had been involved with the ZBA. He stated that P. Fuller had just answered one of the questions that had come out of the workshop with the ZBA and the Planning Board. He stated that some of the members of the Planning Board were also unsure of who they needed to include to have conditions enforced.

P. Monziona spoke about the outcome of the workshop that the two boards had held earlier in the night. He stated that they were trying to ensure that what they were doing was meaningful and was part of the Master Plan. He stated that their purpose was not to point fingers at the Code Enforcer and that they had questions they were trying to get answers to and they had included the town's attorney, town manager, and selectmen.

T. Morgan stated that this grew out of frustration that had been brewing over the years that conditions approved some years ago were ignored. He spoke about a situation where they had lost one ZBA member because he (the former ZBA member) felt that the conditions were being ignored when he saw the structure and felt that he was not making a difference by volunteering his time.

P. Fuller spoke about her experience when she was a member of the ZBA and stated she had noted violations that she had met with various members of the town, whether it was the town planner or enforcement officer, to have them taken care of. She urged the board to submit the paperwork on violations and stated that the BOS would see them all. She stated the BOS knew what the complaints were and they knew where they were sent to be addressed. P. Fuller noted that the ZBA was short a member and stated she would "beat the drum" to get them another member and alternates.

There was no other public input.

VI. 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 33; Section 320 b2c & A4 to allow for the expansion of a non-conforming structure. This parcel is located within the Residential Zone.

Roger Sample, DBA, EMS, presented the application. P. Monziona noted there were only three members present and gave the R. Sample the opportunity to continue to case. R. Sample declined and wished to proceed.

T. Morgan asked if the town had taken any stance on the re-building around the Christian Conference Center. S. Ames responded that she was not aware of any stance and noted she had been on maternity leave. R. Sample stated that this application was “pre-fire” and was not sure if this was grandfathered in. T. Morgan asked if there were any restrictions and thought there might be some issues in regard to spacing between buildings that currently exist, the placement of propane tanks, etc. He stated there could be issues that the town was considering that this was his concern with the application. S. Ames stated that she was told a letter of approval was needed from the Director of the Conference Center and noted the letter was dated April 1, 2009. T. Morgan noted that the letter pre-dated the fire and that he had some “misgivings” about the application. R. Sample stated that he had checked if the letter needed amending yesterday and learned that S. Ames was not aware the application was going to be on the agenda. He stated the project had the “blessings” of the campground. P. Monziona stated that before the Board began their review of the application that he (R. Sample) might want to consider the concerns voiced by T. Morgan. He noted that there were only three members present and that all three would need to vote in-favor, whereas if there were four members present only three members would need to vote in-favor of the application to allow it to pass and if one voted in the negative that it would still pass. He noted that the application and letter pre-dated the fire and there were already concerns expressed about the application. P. Monziona asked if R. Sample still wanted the ZBA to review the application tonight and R. Sample responded that he wanted them to move forward with it.

S. Ames stated she was made aware there was an issue with DES and spoke about an email Sharon Penney had received that stated the application did not require a shoreline permit. A copy of the communication was in the applicant’s file.

MOTION:

S. Hurst motioned to accept the application Z09-10 as complete. T. Morgan stated he did not see any drawings of the elevations with the application and asked if there were drawings of the porch going up to the roofline included in the application. S. Ames gave T. Morgan a copy of the drawings. T. Morgan seconded the motion. The motion passed by unanimous vote. (PM, TM, SH / absent – TK)

R. Sample stated it was unfortunate that the fire happened at the campground and stated that anything that goes back in the spot where the fire happened now is planned to prevent fire. He stated that everything in the application he was presenting is planned to prevent fire. He stated they are not expanding any surfaces or getting closer to any buildings. He stated he had two notes: one from Bryan Boyers for the Shoreland Permit, and the second one from the Fire Chief and Fire Captain, stating they were unclear what was being done and requesting that the project be completed using “hardy plank”.

R. Sample stated that he reviewed in consideration of the ZBA process and felt this project was “doable”. He stated the propane tank is being moved so it is not under the door and that they would put “hardy plank” on the whole house but that the “hardy plank” product only had a one hour fire rating. He stated that all they could really do was to move forward with their case to the ZBA and felt the case would pass on itself own merit.

T. Morgan stated he was having a little trouble with the shaded area in a drawing that illustrated where the project would be done. R. Sample noted that a second floor bedroom would be expanded over the porch that is already attached to the house. The bedroom already is part of the house but this request is to expand that bedroom, which is on the second floor. He explained that the bedroom is very small and this upgrade would help to make the living space more comfortable. This change will not increase the footprint of the house or bring it closer to any other buildings.

P. Monzione stated that the Fire Chief had felt the details of the project were “vague”. He reviewed the drawings and noted that the area that is now porch would be turned into living space but that the footprint of the building would not change. R. Sample stated that the footprint of the building was not being changed and that the exterior of the building would be done in “hardy plank” or a similar product. P. Monzione noted that a non-conforming building was having the living space expanded and R. Sample confirmed that was correct. He stated the propane tank was being moved to a safer area in light of the change in the living space.

P. Monzione stated that it was a big deal that what they were doing was “OK” with the DES and that he was glad the applicant had got that email. R. Sample stated he was glad he got the email from the DES and felt he was “blindsided” by the last meeting.

P. Monzione opened the floor to public input. There were no comments.

The board reviewed the case to determine the following:

S. Hurst read the statement: “A plat has been accepted by the Planner in accordance with Alton Zoning Ordinance Section 520 b. and a recommendation has been made.” He stated he agreed. P. Monzione stated he also agreed. T. Morgan stated that he agreed.

T. Morgan read the statement: “The specific site is an appropriate location for the use.” He stated he felt it was appropriate. S. Hurst stated he agreed with the statement. P. Monzione stated the structure was not changing and it was appropriate along with the other similar structures [in the area].

P. Monzione read the statement: “Factual evidence is not found that the property values in the district will be reduced due to incompatible uses.” He stated that no abutters had approached the Board and felt this was not an incompatible use. T. Morgan stated he was going to request that this was done in some fire-retardant material that would increase the value of the structure. S. Hurst stated that he agreed.

S. Hurst read the statement: “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.” P. Monzione stated he agreed. T. Morgan agreed.

T. Morgan read the statement: “Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure.” He stated that he agreed with the statement. P. Monzione stated that there was nothing of that sort from anyone coming forward. S. Hurst stated he agreed with the statement.

T. Morgan read the statement: "There is adequate area for safe and sanitary sewage disposal and water supply." He stated that all the facilities and utilities common to the campground would be appropriate. P. Monziona stated that he agreed, as the bedroom was being expanded and not added. S. Hurst stated that he agreed.

P. Monziona read the statement: The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan." He spoke about the spirit of the ordinance and stated the safety of the structure was keeping in the spirit of the ordinance. T. Morgan spoke about the need for getting an updated letter from the campground. S. Hurst agreed.

MOTION:

P. Monziona motioned to approve Case #Z09-10 with the following conditions:

- 1. The applicant will obtain an updated letter from the Alton Bay Christian Conference Center**
- 2. The outside of the building be sheathed in a fire retardant material**
- 3. The Alton Fire Chief's approval of the propane tank will be obtained**

S. Hurst seconded the motion. The motion passed by unanimous vote. (PM, TM, SH / absent – TK)

VII. NEW APPLICATIONS

**Case #Z09-11
Alan & Christine Soucy**

Map 62; Lot 3

**Special Exception
41 Indian Shores Road**

Application submitted by Alan & Christine Soucy to request a Special Exception from Article 200; Section 328-C to allow a chimney rise 4'-6" above the 35' height limit. This parcel is located within the Residential Zone.

John Ott, S'amyn-D'Elia Architects, representing the applicants, presented the application for Mr. & Mrs. Soucy.

MOTION:

T. Morgan motioned to accept Case #Z09-11 as complete as submitted and S. Hurst seconded the motion. P. Monziona asked the representative if he wished to proceed with the three members present or if he wished to wait for the July meeting when four members would be present. J. Ott stated he wished to proceed. The motion passed by unanimous vote. (PM, TM, SH / absent – TK)

J. Ott spoke about the chimney rise that would be about 4'6" or possibly less. He stated he had spoken with Sharon about the project and presented a large scale drawing showing a cross section of the house. He noted that the structure would not obstruct the view of any other property owners in the area and spoke about the elevation of the property/structure. He stated that there was a pictorial elevation of the house and property showing the calculation per the zoning ordinance.

T. Morgan asked if abutters behind or on either side of the applicant were notified of the applicant's intentions. J. Ott reported they were all notified. He stated their construction would be behind the view-portion of the closest abutter's property and noted that anyone "above" the applicant's property would not be blocked by the structure. T. Morgan noted there was a letter in the file from an abutter, John Steuger-Ferry, Hillsboro Beach, FL, who was concerned that the height of the chimney was to burn some odd combustible. J. Ott stated that the height of the chimney was due to the pitch of the roof. It is a three-flue chimney to vent two gas fireplaces and one wood-burning fireplace. He reported the two gas fireplaces burned at 97% efficiency.

P. Monziona opened the floor for public input. There were no comments.

P. Monziona noted that there were no special concerns from the Conservation Commission or any town departments.

The board reviewed the case to determine the following:

S. Hurst read the statement: "A plat has been accepted by the Planner in accordance with Alton Zoning Ordinance Section 520 b. and a recommendation has been made." He stated he agreed. P. Monziona stated he agreed. T. Morgan stated that he agreed.

T. Morgan read the statement: "The specific site is an appropriate location for the use." S. Hurst stated he agreed. P. Monziona reported that he also agreed.

P. Monziona read the statement: "Factual evidence is not found that the property values in the district will be reduced due to incompatible uses." He stated that there is no evidence that property values will be reduced. T. Morgan stated he thought the changes would enhance the property value. S. Morgan agreed with the statements.

S. Hurst read the statement: "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." P. Monziona stated he agreed. T. Morgan agreed.

T. Morgan read the statement: "Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure." He noted that no abutters have come forward. S. Hurst stated he agreed. P. Monziona agreed.

P. Monziona read the statement: "There is adequate area for safe and sanitary sewage disposal and water supply." He stated he agreed. T. Morgan agreed. S. Hurst also agreed.

S. Hurst read the statement: "The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan." P. Monziona stated that this is exactly what the Special Exception had in mind. T. Morgan agreed.

MOTION:

T. Morgan motioned to approve Case #Z09-11 as presented. S. Hurst seconded the motion. The motion passed by unanimous vote. (PM, TM, SH / absent – TK)

**Case #Z09-12
Stephen & Raquel Rogers**

Map 51; Lot 27

**Area Variance/Special Exception
4 Saley Way**

Application submitted by Thomas Varney of Varney Engineering on behalf of applicants Stephen And Raquel Rogers to request an Area Variance from Article 600; Section 601 to allow a home to be set within the setbacks; additionally to request a Special Exception from Article 300; Section 320C to expand the existing footprint on both sides. This parcel is located in the Lakeshore Residential zone.

P. Monziona stated he needed to recuse himself from the case, which meant there were only two members present to make decisions on the case. S. Hurst took the position of Chair for this portion of the meeting.

Stephen Rogers asked if there was anything further needed for the application. T. Morgan reported there were some concerns from some town department heads and noted that there were some other concerns from the town planner. S. Ames gave a copy of some of these concerns to S. Rogers for his review. T. Morgan stated that the case would need to be continued to the next meeting. There was brief review and discussion of the concerns.

MOTION:

S. Hurst motioned to continue Case #Z09-12 to the July 2 meeting and T. Morgan seconded the motion. The motion passed by unanimous vote. (TM, SH) (absent – TK) (recuse - PM)

P. Monziona returned to the meeting.

VIII. OTHER BUSINESS

P. Monziona requested to table the approval of meeting minutes.

MOTION:

T. Morgan motioned to table the approval minutes at next meeting. S. Hurst seconded the motion. The motion passed by unanimous vote. (TM, SH, PM / absent – TK)

There was no old or new business.

IX. ADJOURNMENT

MOTION:

S. Hurst motioned to adjourn and T. Morgan seconded the motion. The motion passed by unanimous vote. (TM, SH, PM / absent – TK)

The meeting adjourned at 8:31 PM.

Respectfully Submitted,

Krista Argiropolis
Recorder