

**TOWN OF ALTON-ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES 2019
JUNE 6, 2019**

APPROVED

Members Present:

Paul Monzione, Chairman
Frank Rich, Vice-Chairman
Tim Morgan, Member
Paul LaRochelle, Selectmen's Rep/Clerk

Others Present:

John Dever, III, Code Official

CALL TO ORDER

Paul Monzione called the meeting to order at 6:03 P.M.

APPOINTMENT OF ALTERNATES

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.

APPROVAL OF AGENDA

Paul Monzione asked if there were any amendments to the agenda. John Dever, III, stated, no.

**Paul LaRochelle MOVED to approve the June 6, 2019, agenda, as presented.
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).**

CONTINUED FROM MAY 2, 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 into the record.

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John Dever, III, stated that the applicants withdrew their application, because they found another way to place a smaller shed on the lot where the house was. Paul Monziona acknowledged that the application was withdrawn.

NEW APPLICATIONS

<p>Z19-13 Matthew Pasquariello, Agent for Anthony & Janet Avola, Owners</p>	<p>50 Eastside Drive Map 33 Lot 28</p>	<p>Variance Lakeshore Residential (LR) Zone</p>
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A Variance is requested from **Article 300 Section 327 A. 3.**, of the Zoning Ordinance to permit the construction of a shed within both of the 10’ side and rear setbacks.

The Chairman read the case into the record.

Matthew Pasquariello, Mr. & Mrs. Avola’s son-in-law, agent, came forward to present the case.

**Tim Morgan MOVED to accept application #Z19-13 as complete.
Frank Rich seconded the motion, and it PASSED with a vote of (4-0-0).**

Matthew Pasquariello came forward to present the case. He stated that the Avola’s proposed to construct a shed in the back right hand corner of the lot in order to have a place to store flammable liquids, lawn equipment and outdoor furniture. He stated that one of the abutters, Steve Harris, who lived to the right of the Avola’s was okay with the shed’s location. He also noted that some of the other abutters were in the audience, John Fitzgerald, was okay with the location. Matthew Pasquariello stated that the shed would not obstruct anyone’s view.

Tim Morgan asked Matthew Pasquariello is he had seen the comment from the Fire Department. Matthew Pasquariello stated that they inquired if there was a 10’ radius from the house where the shed would be located, and in fact, there was a 25’ radius. Paul LaRoche asked if that radius included the properties along the side the shed; Matthew Pasquariello stated, yes.

Paul Monziona noted that the shed would encroach both the side and the rear 10’ setbacks. He wanted to know how much into the side setback would the shed be located. Matthew Pasquariello stated it would be in front of the tree that was located currently on the property, which was real close to the property line, but he was not sure exactly how close. John Dever, III, stated that the side setback would be within 2’ of the property line. Paul Monziona clarified that the shed would encroach 8’ into the 10’ side setback. John Dever, III, stated that the rear of the shed would be encroaching 9’ into the 10’ setback.

Frank Rich asked how big the tree was that was referred to earlier. Matthew Pasquariello stated it was roughly 35’ in diameter. Frank Rich asked if there was any consideration with removing the tree, and then moving the shed where the tree was so there would only be one encroachment. Matthew Pasquariello was not entirely sure, but he did not think that the Avola’s had a budget for tree removal. Frank Rich asked if the Avola’s considered placing the shed on the other side of the tree. Matthew Pasquariello stated that the layout of the property did not allow that because there was a stone wall behind

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it. Frank Rich stated it was hard to tell because the Board did not have any pictures to refer to. John Dever, III, stated that there were pictures in the case file. He showed the Board the pictures.

Paul Monzione talked about the Fire Department's concerns in further detail. Matthew Pasquariello again stated that the closest building would be 25' away from the proposed shed, and there were no structures located to the right of the shed; it was just a backyard. John Dever, III, noted that the area was just a driveway area that would service cabins across the way. Paul Monzione shared that the ordinance was designed to stop overcrowding of structures and to allow for space, air, light, safety, and to allow space for fire apparatus. He thought that there was a lot of room on all sides of the shed. He also pointed out why an alternate location would not work.

Paul Monzione opened public input.

John Fitzgerald came forward. He stated that he lived at 19 Terrelli Terrace and he was in favor of the construction of the shed. Paul Monzione asked if Mr. Fitzgerald was a direct abutter. John Fitzgerald stated that his property was just to the left of the Avola's. He did not foresee any issues with the shed's location.

Paul Monzione closed public input.

Paul Monzione moved the Board onto the worksheet.

Tim Morgan stated that the variance **will not** be contrary to the public interest. He stated that the public interest, as Mr. Monzione pointed out, was overcrowding, safety with potential fire issues, and with this instance, that was not a concern.

All Board members agreed.

Frank Rich stated that the request **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. He stated that the applicant explained that to take out the tree would be a hardship because it was a rather large tree, and it appeared that the intent of the Master Plan was to make sure that the health, safety, and character was taken into consideration. The Avola's needed storage and unfortunately, the lot was a "postage stamp" sized lot; therefore, the Avola's were limited to where the shed could be located. All Board members agreed.

Paul Monzione stated that by granting the Variance, substantial justice **will** be done. He stated that when comparing the purpose of the ordinance, the safety issues, the layout of lots and overcrowding, nothing about the proposed shed was going to go against the purposes of the ordinance. By not requiring that the Avola's strictly comply, it would not impose an injustice on the applicant. Tim Morgan stated that any detriment to the public was outweighed by the benefit to the applicant.

All Board members agreed.

Paul LaRochelle stated that the request **will** not diminish the value of the surrounding properties. He stated that no factual evidence was shown that any property would be negatively affected by this shed, or would affect any value to the surrounding properties. There was no change to anyone's views, or be any

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larger than the surrounding structures that people could not see around it. No factual evidence of any kind that properties would be diminished in any way.
All Board members agreed.

Tim Morgan stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) **No** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- (ii) The proposed use **is** a reasonable one.

He stated that having a place to store flammables and outdoor equipment away from the home was a reasonable use. There was no substantial relationship between the general public purposes of the ordinance, and this case, the unnecessary hardship came from the small size of the property, which some of it was taken up by the residence, and the other sections were taken up by rocks and trees. Paul Monziona stated that a lot of times the Board stated that there were situations like this and they found that the hardship was mostly because these types of lots were created before zoning existed, and to try to fit zoning into certain lots of these sizes with the topography made it very unreasonable for the property owner. He also agreed that the use of the shed was a reasonable one.
All Board members agreed.

**Frank Rich moved to GRANT the Variance for Case #Z19-13.
Paul LaRochelle seconded the motion, and it PASSED by a vote of (4-0-0).**

<p>Z19-12 Merrymeeting River Realty Trust, Donald White, Sandy White, Eric White, and Korin White, Trustees</p>	<p>48 Heron Point Road Map 9 Lot 14-131</p>	<p>Variance Rural (RU) Zone</p>
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A Variance is requested from **Article 300 Section 327 A. 4.**, of the Zoning Ordinance to permit the construction of a 2-car attached garage 3’ within the 10’ side setback.

The Chairman read the case into the record.

Donald White and his son, Eric White, came forward to present the case.

**Tim Morgan MOVED to accept application #Z19-12 as complete.
Frank Rich seconded the motion, and it PASSED with a vote of (4-0-0).**

Donald White shared that they would like to construct a 2-car attached garage, which extended 3’ (13 s.f.) on the furthest point into the 10’ size setback; the property line was at angle to the garage. He shared that with the lot configuration, there was no place else to put the garage. He discussed the proposed garage with his neighbor, Tom Chagnon, and he had not objections. Currently, there was a one-car garage on the property that would be demolished.

Frank Rich noted that the one-car garage was being taken down, the 2-car garage was being attached to Donald White’s home, and it appeared that the height of the proposed garage was less than the house because there was going to be a window installed in the attic. Donald White stated that the house

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currently had an attic, and they constructed an attic in the current garage. He stated that since the garage, which was 24' deep was not going to be as deep as the house, which was 28'. The garage would have the same pitch on the roof as the house, but since it was narrower, it would not reach the same peak. The only way to attach the garage would be to move the window in the attic, and then put one in the garage. There was also another window in the attic on the other side of the house. Frank Rich asked if the window in the home where the garage was going to be attached, going to be removed. Donald White stated that the window in the home would be eliminated in the attic. Frank Rich wanted to confirm that there was going to no means of egress from the home to the attic of the garage. Eric White stated that there was no access from the attic of the house to the garage. Donald White stated that the wall between the garage and the house would have fire proof sheet rock. Frank Rich stated that was a building code that needed to be addressed by the Code Enforcement Officer. Paul LaRochelle noted that there would be steps coming from the house down into the garage.

Paul Monziona referred to the picture that depicted a different structure with a 2-car garage, and noted that the roof of the garage was lower than the peak of the house, and asked if that was what Donald White was stating that his garage would look like; Donald White stated, yes. Paul Monziona if the architecture of the garage would be in keeping with the architectural style of the main house. Donald White stated the siding, windows, and trim would be the same. He noted that the door on the garage would be 16' wide instead of having two (2) 9' doors. Frank Rich pointed out that the existing garage had a small encroachment, and that was being eliminated. He wanted to know if Donald White took into consider how much square footage that encroachment was. Frank Rich explained that Donald White was eliminating one encroachment and was adding another one, but the square footage was going to be less, because he did not minus out the original encroachment.

Paul Monziona opened public input. No public input. Paul Monziona closed public input.

Paul Monziona moved the Board onto the worksheet.

Frank Rich stated that the variance **will not** be contrary to the public interest. He stated that this was a very small amount of encroachment to the property line, and it was actually less than what the applicant suggested because they forgot to deduct the amount of the old encroachment of the original shed. No public interest concerns were presented. Paul Monziona agreed, except for the deduction. All Board members agreed.

Paul Monziona stated that the request **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. He did not believe that the ordinance had to be strictly applied in a situation like this, so as to prevent approximately a 3' encroachment into the setback, given the circumstances of this lot as depicted on the plan. He thought that this request was in harmony with the spirit of the Zoning Ordinance. All Board members agreed.

Paul LaRochelle stated that by granting the Variance, substantial justice **will** be done. He stated that this was going from a single-car detached garage to an attached 2-car garage. The proposed garage would be more convenient to the applicants, and it was appealing to the neighborhood so it would not affect the properties next door. The proposed garage was going to be in the same spirit and contour as the rest of the building by using the same materials and blending it in, and would be pleasing to the eye.

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All Board members agreed.

Tim Morgan stated that the request **will** not diminish the value of the surrounding properties. He stated that there was no testimony with the respect to property values, but it appeared from the application that this would help to improve the property values in the area.

All Board members agreed.

Frank Rich stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) **No** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- (ii) The proposed use **is** a reasonable one.

He stated that on both counts, in his opinion, the hardship was that the lot was limited on that side of the lot with the single garage coming out, and most of the 2-car garage was next to the home on the property, and it would be a hardship to the owner if the Board did not grant this Variance. He also thought that this was a reasonable request. Paul Monzione did not think that the ordinance was designed to prevent this type of structure from being constructed with a relatively minor encroachment. He thought that no fair and substantial relationship existed between the purposes of the ordinance and the application of this property. He also thought that the use was a reasonable one. Tim Morgan thought that the unnecessary hardship was the orientation and the angle of the property line, and the existing structure.

All Board members agreed.

**Paul LaRochelle moved to GRANT the Variance for Case #Z19-12.
Tim Morgan seconded the motion, and it PASSED by a vote of (4-0-0).**

<p>Z19-14 Thomas Revocable Family Trust, Walter D. Thomas & Inge Hannan Thomas, Trustees</p>	<p>Reed Road Map 16 Lot 10-1</p>	<p>Special Exception Rural (RU) Zone</p>
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A Special Exception is requested from **Article 300 Section 360**, of the Zoning Ordinance to permit the construction of a non-habitable structure as the principle building on a lot.

The Chairman read the case into the record.

Walter Thomas, Trustee, came forward to present the case.

**Tim Morgan MOVED to accept application #Z19-14 as complete.
Frank Rich seconded the motion, and it PASSED with a vote of (4-0-0).**

Walter Thomas stated that both he and his wife, Inge Hannan Thomas, had owned this parcel of property for about five (5) years, and had a home in Londonderry. He stated that their intention was to improve the property over time, and shared that it was getting difficult to continuously haul their camper and their tractor up from Londonderry, so they decided to build a storage building, which would let them just drive up in their car. The Thomas’ intentions were to eventually build a storage building after they built the

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house on the property, but they found that building a house that they were not going to live in until they retired, did not seem feasible; therefore, they decided to build the storage building first.

Frank Rich noted that the topographics of the property made it a challenge for the Thomas' to build on. Frank Rich thanked Mr. Thomas for being up front with his proposal to build the storage building now, and possibly at a later date he planned on constructing an apartment on top of the structure to live in, and the last proposal would be a single-family house. Frank Rich clarified that in the beginning, the structure was only going to be for storage. He asked if the septic system and water supply would be going in right away. Mr. Thomas stated, yes, because it was more for convenience sake to have a real bathroom versus a truck camper bathroom, and because they were installing a bathroom, they also needed it heated. The Thomas' would be installing a well for their water source.

Tim Morgan asked John Dever, III, what steps would the Thomas' have to go through to make the storage building a residence. John Dever, III, stated that the septic plan was submitted to his office this week and it was designed to accommodate the apartment above the garage and the house. The fire separation requirements would have to be met once construction began. Tim Morgan asked if the Thomas' would just have to go John Dever, III, or would they have to go before the Planning Board. John Dever, III, stated, no, the Thomas' would come in and see him for a building permit because it was a residential use.

Paul Monziona thought that since the structure could not be used for habitation, it would have to be strictly only used as a garage, no living space, no finished floor, just a garage. Until a house was built, it should not have anything in it that would accommodate it to be a habitable structure, such as septic and running water. Once the house was built, it could possibly qualify as an accessory dwelling unit, but he was not sure how the structure could be built before the house. Paul Monziona read the Special Exception criteria that stated an attic and a private garage or workshop was restricted to storage or workshop use only and it must be unfinished floor space, and not used for habitation. Mr. Thomas shared that they were going to use it for living space and then eventually build a house, and if the house was there, the living space above the garage might qualify for an accessory dwelling unit, but that was not how things usually worked. Mr. Thomas stated for now the living space was considered the bathroom, but would eventually upgrade it to a place him and his wife could live comfortably. The intention of the storage building was a place to store their belongings. In his opinion, it was pointless to construct the storage building if they could not have a bathroom.

Paul Monziona was concerned about a couple of things. When referencing ordinance Section 360, 2. a., it required the Board to make sure that the architectural style, building size, building height, and exterior building material of a private garage or workshop shall be visually compatible with other buildings in the neighborhood. He noted that when this ordinance was drafted, there were people who were concerned that the Board was going to allow people to just put a storage building on their lot without a house. To address the concern of the surrounding abutters, the Board included the wording about the structure being architecturally in keeping with other buildings in the neighborhood. He was not sure that the application was submitted included information that established what was going to be built. A computer rendering of what the structure was going to look like was submitted. Mr. Thomas stated it was a steel building, and that computer rendering was what it was going to look like. Paul Monziona asked if a steel building was in keeping with the architectural style of houses in the neighborhood. Mr. Thomas stated that there was not really much of a neighborhood at the end of Reed Road. He noted that Brad Woods was an abutter and he built a Morton Building on his house, and that Diggum Excavating, Inc., was located near him and they had a couple of commercial steel buildings on their lot. Paul Monziona stated that was very helpful

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because it would have been difficult to judge if the steel building was going to be in keep with the architectural style of the neighborhood.

Paul Monzione moved on to Section 360, 2. b., it stated that an attic and a private garage or workshop is restricted to storage or workshop use only, must be unfinished floor space, and not used for habitation. He asked how the Board was supposed to handle that, because what Mr. Thomas informed them of was that he was going to use it for habitation initially with the plan of building a house, and thought that maybe this was “putting the cart before the horse”. Mr. Thomas stated that he and his wife were thinking way ahead in the future. Currently, they could not build a million dollar house and live in it until Mr. Thomas retired, and they would not be able to build one after he retired. In order for the Thomas’ to be able to develop their land it was going to take a long time; they planned on planting orchards and grapes, and wanted to create trails on their 28 acre parcel of property. Their plan was to have all of that done before they built their house, and by having the storage building built first, it would help them immensely in the future.

Paul Monzione asked if they installed the septic, water, heat, and a bathroom, would that be considered a house. John Dever, III, stated at that point, if the dwelling unit was constructed, it would become the primary dwelling unit on the lot. Paul Monzione thought that if the storage building was architecturally built like a house, and down the road the Thomas’ wanted to build their actual house, then they would have to qualify the storage building as an accessory dwelling unit to the main house. If the Thomas’ did it that way, they would not need a Special Exception.

Frank Rich asked if the Thomas’ were not inhabiting the storage building, could they have a bathroom. John Dever, III, stated yes, and he did not know of any reasons why not. Paul Monzione thought that it could. Paul LaRochelle stated that in most cases they did not, but there was nothing saying there it was prohibited. Paul Monzione stated that the other references in the ordinance was for a storage building, or a workshop, and a workshop would most likely have a bathroom and a sink. He did not think that the interpretation of this ordinance would preclude a bathroom. Frank Rich pointed out that Mr. Thomas stated it would not be worth it to build the storage building without a bathroom. John Dever, III, noted that the Thomas’ would be working on improving the property over the course of time, and they would need a place to use the bathroom. Paul LaRochelle thought having the bathroom made sense. Frank Rich informed Mr. Thomas that they could not live in the storage building. Mr. Thomas stated that he and his wife would be sleeping in their truck camper. Paul Monzione pointed out that the storage building needed to be unfinished space, could not be used for habitation, and he did not see any problems with having a bathroom in either a garage or a workshop. Paul LaRochelle added that if there was a bathroom, would it be just a half bath, or a full bath with a shower, because if a shower was installed, it made the structure look more habitable. John Dever, III, asked if it would be a ¾ bathroom. Paul Monzione stated that he would not object with a shower because even some workshops had showers and he did not want the ZBA to micromanage the applicants. He thought that if the Board were to grant the request, then they could impose the condition that the structure not be used for habitation, and that the bathroom could not be used as habitation, along with the normal criteria that the structure have unfinished floor space and be architecturally in keeping with the other structures in the neighborhood.

Frank Rich thought that since Brad Woods already constructed a steel building for his workshop, that had set a precedence for the neighborhood. Paul LaRochelle asked if the structure would be visible from NH Route 11; Mr. Thomas stated, no. Frank Rich agreed and noted that it was a very large piece of property.

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Paul Monzione opened public input. No public were present, but John Dever, III, stated that he received a call from an abutter, Scott Warner, who had some questions about the distance of the proposed area that was being constructed, along with the location of the well and his property line. John Dever, III, stated that the structure was well over 1,100' from where the septic system was going to be to Mr. Warner's property line. After Mr. Warner was told that, he seemed to be okay with the 1,100'. John Dever, III, shared that there were springs on Mr. Warner's property that had been used in the past to provide drinking water.

Paul Monzione reviewed the abutter's list, and thought it would be best to recuse himself for the vote on this application because he had been general counsel to the water company that occupied the real estate, which was owned by Sadakka Realty Trust and Chelind Realty Trust. Paul Monzione noted that now that there was an issue raised about distance, and the fact that the water had a protected zone under law, and that Mr. Dever represented that Mr. Warner, who was the trustee and also a client and personal friend of Mr. Monzione, he thought that even though Mr. Warner had no concerns, he was going to recuse himself from the vote.

Paul Monzione stepped down as chairman, and Frank Rich, as vice-chairman, took his place. Tim Morgan noted that when there were only three (3) Board members remaining, the Board gave applicants the opportunity to continue their application and the reason for that was that each of the remaining members would all have to vote in favor of each of the Special Exception criteria, and if there were any negative votes, the Special Exception would be denied. Mr. Thomas stated that he wanted the Board to vote on his application at this meeting.

Frank Rich wanted to know how long the driveway was. Mr. Thomas stated, 1,500' from the road. Frank Rich noted that over 1,100'..... John Dever, III, stated that Mr. Thomas was situated in the south east corner of the lot, and the abutter was over on the north west side. Frank Rich was familiar with the topographics of this type of property, and he wanted to know where their future house would be located. Mr. Thomas stated that the house was going to be in front and to the west of the storage building. When traveling up the driveway, when it started curving up hill, the house would be seen first. Paul LaRochelle noted that Mr. Thomas was going to install solar panels and asked if it was going to be on the whole entire storage shed. Mr. Thomas stated that the solar panels were going to be a ground mount system located about 100' - 200' away from the building, because the long access of the structure was going to be north/south, and that meant it was not going to be a good roof to put solar on. Paul LaRochelle asked if the panels would be adequate when they built the house. Mr. Thomas stated that they would have to add panels. Mr. Thomas noted that they were not going to be using the structure that much, and they would use a pellet stove to heat it because there would not be a huge electrical load; the photovoltaic system that was going in now would be fairly small. He shared with the Board that these types of systems were dropping in price and in about 12 years from now, they would be half as expensive.

Frank Rich closed public input.

Frank Rich 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.

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Frank Rich stated that the specific site **is** an appropriate location for the use. He stated that this was an unusual request because as Mr. Monziona pointed out it was like putting the cart before the horse, but the property was very large and the applicant was upfront and informed the Board exactly what they were trying to accomplish. Frank Rich thought it was an appropriate location for the use.
All Board members agreed.

Paul LaRochelle stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated that contrary to that, the surrounding properties all had similar types of buildings or storage buildings, and this was compatible with the surrounding properties. He did not think that there was any diminishing of values or factual evidence of diminishing values that he could see.
All Board members agreed.

Tim Morgan stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there were no abutters that complained or objected this proposal.
All Board members agreed.

Frank Rich 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. He stated that the applicant presented that there was over 1,500' to the closest road or means of egress, and he could not see how there would be any undue nuisance or serious hazard to pedestrian or vehicular traffic. He thought that the location, design, and access for off street parking seemed to be reasonable.
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. He stated that this would be an independently powered solar structure for its own utilities, a new septic design was submitted, and it looked to him to be a proper operation for the proposed use and structure.
All Board members agreed.

Tim Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated that in the presentation, the Board was informed that the sanitation would be sufficient for future development as well as current development.
All Board members agreed.

Frank Rich stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan. He stated that although this was an unusual proposal, he believed that the structure and the use of the structure, along with what the applicant stated, that this was not for habitable use, and that the bathroom was used as a bathroom only. This was a condition of approval. The use and structure was consistent with the Master Plan. Paul LaRochelle agreed for the same reasons, and the conditions would be added to the approval as stated.
All Board members agreed.

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Tim Morgan MOVED to grant the Special Exception for Case #Z19-14, with the condition that the structure not be used for habitation, and the installed bathroom not be used for habitation.

Paul LaRochelle seconded the motion, and it PASSED by a vote of (3-0-0).

Frank Rich stepped down as chairman, and Paul Monzione sat back in as chairman.

OTHER BUSINESS

1. Previous Business: None.
2. New Business:
 - a. Letter dated May 14, 2019, from Steve Miller, informing the Board that he resigned as an alternate.
3. Approval of Minutes: May 2, 2019

Frank Rich thought that the minutes were substantially less in volume than he was used to reading, and he wondered if there was a new person doing the minutes. John Dever, III, stated that the recording device malfunctioned, but he did assist Jessica Call to comprise notes from the meeting.

**Paul LaRochelle MOVED to approve the minutes of May 2, 2019, as presented.
Frank Rich seconded the motion, and it PASSED unanimously.**

4. Correspondence:
 - a. Email dated June 6, 2019, from Elizabeth Dionne, Town Administrator, all Boards, re: inappropriate discussions occurring during meetings.

Paul Monzione asked if every Board member received Ms. Dionne's email. Frank Rich, Paul LaRochelle, and Tim Morgan stated, yes. Paul Monzione was not sure to the extent that this Board had any types of those discussions. He noted that he was not aware of, or did not remember anything, that he had ever said that would be derogatory, inflammatory, or potentially slanderous while sitting on this Board. He thought that the ZBA did not fall under the situation pointed out in Ms. Dionne's email.

Paul Monzione thought that the Board should take this as a precautionary measure because the ZBA was a quasi-judicial body and there were members of the public present at meetings. He stated that when the Board had discussions afterwards, and if they were case related, they had these discussions in a public session because that was the time the Board was permitted to do that, and they were always very good about it. He thought that the email could have been less reprimanding because all of the members were only volunteers and did not get paid, and felt that the members did not have to get reprimanded. He thought that many of the people that sat on other boards were not attorneys and not necessarily professionals who would remember how meetings should be conducted. Furthermore, he thought that the Town Administrator could have considered that, and in

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his opinion, be less reprimanding and offer a little bit of advice to the volunteers who helped the town run. He noted that getting people to run on boards was difficult, and he thought that it did not help if a member was getting out of line, it was probably because they were not collecting salaries, they were not Town Administrators, and they were not professionals in this sense; every now and then they might have needed a friendly reminder as to how to conduct themselves.

John Dever, III, stated that none of the discussions were pointed out to Jessica Call, Nic Strong, or to him that they had any reference to the ZBA in any way. Paul Monzione appreciated that. He understood the seriousness of this situation and thought that the email was designed to get across the seriousness of it also, and he did appreciate that too. Frank Rich stated that there was no question that volunteers may not know the appropriate protocol of how one was supposed to handle themselves during a meeting. John Dever, III, stated that it was the amount of litigation that had gone on with the town. Paul LaRochelle noted that the Town Administrator was under a lot of pressure right now. John Dever, III, stated that it was a tremendous drive to make sure the Boards were doing things right, and when there were certain individuals on certain Boards that were making these types of statements on record that was recorded on video and audio, and behaving in certain ways, it set the Town up for pending litigation. Paul Monzione understood that it was required of Ms. Dionne to address this situation, but he thought that there were ways of going about it, and those individuals could have been addressed specifically and she could have not been as reprimanding and more instructive. Paul Monzione stated that he knew this email was not directed towards the ZBA members because he sits in these meetings, but even though it was not directed towards him, he felt like he was being reprimanded by the Town Administrator. He suggested that when the Town Administrator was dealing with volunteer members of boards who may not be sophisticated, one might consider that it was more diplomatic and more useful if they took a different approach.

Paul LaRochelle stated to Paul Monzione that he would be more than happy to mention his comments to Ms. Dionne. Paul Monzione agreed. John Dever, III, stated that he could mention it to her also. Paul LaRochelle noted that Ms. Dionne's intention was not to be rude; she was just trying to get her point across. Frank Rich stated that she was being very direct, and thought that it may have been directed to him. John Dever, III, stated that some of those members who were offenders had served on a number of boards, at least three (3) of them, had served on a number of boards for years, and they should know better. Paul LaRochelle noted that the last thing that he wanted to see happen is have the morale of the Boards being affected because administration was slapping their wrists. Frank Rich stated that it was not an easy balance and agreed that Ms. Dionne was under a lot of pressure.

DISCUSSION:

John Dever, III, noted that Paul Monzione was going to be the second member of the Zoning Amendment Committee from the ZBA by default, because Tim Morgan had too many prior commitments.

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John Dever, III, shared with the Board that legislation was passed recently into law, HB136, which now allowed the ZBA to hold public hearings within 45 days of a notice of appeal. If someone wanted to appeal the Board's decision, they would have up to 45 days to hear the appeal instead of 30 days. Paul Monziona asked when that came into effect. John Dever, III, stated, July 9, 2019.

ADJOURNMENT

**At 7:25 P.M., Paul LaRochelle MOVED to adjourn.
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).**

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as submitted: August 1, 2019