

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
Thursday, May 6, 2021, at 6:00 P.M.
Alton Town Hall**

UNTIL FURTHER NOTICE: *To keep the public, our members, and our staff safe, and to comply with RSA 91-A, the CoVID-19 State of Emergency, and the Governor's Orders on restrictions on public gatherings, the Town of Alton has moved from "in-person" meetings to "remote audio participation meetings", therefore, providing each meeting to the public via a live audio conference. Please refer to "News and Announcements" on the Town's website, www.alton.nh.gov, to either locate the Call-in telephone number, Webinar ID, and Password to listen in via audio only, or to locate the link to connect via Zoom and register for a live video stream of the meeting in progress. You may also contact the office at plansec@alton.nh.gov, or by telephone at (603) 875-2162 between 8:00 A.M. to 4:30 P.M., Monday - Friday, for the Call-in number and Zoom link for each meeting. **We strongly encourage everyone attend our meetings remotely. Should you have a need to attend in person, we will make a remote location available upon a reservation request by you to this office NO LATER THAN TWO (2) BUSINESS DAYS in advance of the meeting date.***

Members Present

Thomas Lee, Chairman
Paul Monziona, Vice Chair- excused absence
Frank Rich, member/clerk
Paul LaRochelle, Selectman's Representative
Tim Morgan, member
Mike Hepworth, alternate member – excused absence

Others Present

Jessica Call, Town Planner
Patricia L. O'Leary, applicant – via Zoom
Brad Jones, Jones & Beach Engineers Inc., Agent – via Zoom
David Fuller, representative for applicant – via Zoom
Al Sreter, Esq., representative for applicant – via Zoom
Bonnie Hyslop, abutter – via telephone
Gerald Hyslop, abutter – via telephone
Jason Tremer, abutter – via Zoom
Angela Tremer, abutter – via Zoom

CALL TO ORDER

Chair Lee called the meeting to order at 6:09PM. (See *Attachment 1*)

INTRODUCTION OF BOARD MEMBERS

Roll Call was taken for the Board members and individuals present at Town Hall and via Zoom.

APPOINTMENT OF ALTERNATES

Chair Lee stated there are no alternates present.

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

Ms. Call added under New Business: follow up to committee update on the alternate member committee, update on CIP and follow up on use of tablets by the Board.

Mr. Morgan made a motion to approve the Agenda as amended. Mr. LaRochelle seconded the motion. Roll Call Vote: Mr. LaRochelle – aye; Mr. Morgan – aye; Chair Lee – aye; Mr. Rich- aye. Motion passed, 4-0-0.

NEW APPLICATIONS

Case #Z21-11 Patricia L. O’Leary, Owner	1787 Mount Major Highway Map 66 Lot 7	Special Exception Rural (RU) Zone
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A **Special Exception** is requested from **Article 300, Section 320 H.** of the Zoning Ordinance to permit the expansion of a non-conforming structure. To add 200 sq. ft. to the upstairs bedrooms above the current existing first floor living space.

Chair Lee read the case into the record. Board reviewed the application for completeness.

Mr. LaRochelle made a motion to accept the application as complete. Mr. Morgan seconded the motion. Roll Call Vote: Mr. LaRochelle – aye; Mr. Morgan – aye; Chair Lee – aye; Mr. Rich- aye. Motion passed, 4-0-0.

Patricia O’Leary, applicant, stated she purchased the house in October 2020; it is in disrepair but at one point it was a year-round home with heat, electricity, and insulation. She stated she wants to move the existing bedrooms on the second floor to expand over the existing porch. Ms. O’Leary stated it would add about 200 square feet and improve the aesthetics of the home. It was confirmed the footprint will remain the same; the roof height would be increased from 22’ to 28’ over the shed porch. Ms. Call clarified the 8’x18’ porch indicated on the plans is not being added.

Chair Lee opened the hearing to input from the public in favor of the application. None was indicated.

Chair Lee opened the hearing to input from the public in opposition of the application. None was indicated.

Chair Lee closed public input.

It was noted the Conservation Commission submitted comments that no justification was provided to make a nonconforming lot, more nonconforming. Mr. Rich stated he understands the concerns but the footprint is not being changed, there are no further encroachments. Chair Lee agreed the lot is not becoming more nonconforming and confirmed no additional bedrooms are being added. Ms. O'Leary confirmed no new bedrooms and a new septic design is being prepared by Varney Engineering, LLC. She stated there is a current septic system but it's located on an abutting property. Chair Lee suggested a condition that a new septic system be approved by NH DES.

Discussion – Case #Z21-11

The Board must find that all the following conditions are met in order to grant the Special Exception:

Mr. LaRochelle stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B. The Board agreed.

Mr. Rich stated the specific site **is** an appropriate location for the use. He stated the use is not changing. The Board agreed.

Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated the property will be enhanced by the improvements. The Board agreed.

Chair Lee stated there **is no** valid objection from abutters based on demonstrable fact. No abutters came forward and no letters or communications in opposition were received. The Board agreed.

Mr. LaRochelle stated 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 none of this is changing for this application. The Board agreed.

Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure. He stated the facilities and utilities all exist. The Board agreed.

Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. The Board agreed.

Chair Lee stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. He stated it will be an upgrade to the area and the property. The Board agreed.

Mr. Morgan made a motion to grant the application for Special Exception for Case #Z21-12 with the condition that a safe and sanitary septic system design for a three-bedroom home receives NH DES approval. Mr. Rich seconded the motion. Roll Call: Mr. Morgan - aye; Mr. LaRoche - aye; Mr. Rich - aye, Chair Lee - aye. Motion passed, 4-0-0.

Ms. O’Leary asked if building work can be done before the NH DES septic system is approved. Mr. Rich confirmed it cannot but doesn’t see any reason there would be delays in getting approval.

Case #Z21-12 Jones & Beach Engineers Inc., Agent SADCO Site Development LLC, Applicant John Matarozzo Jr., Owner	Suncook Valley Rd. Map 9 Lot 6	Special Exception Rural (RU) Zone
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A **Special Exception** is requested from **Article 400, Section 401** of the Zoning Ordinance to permit boat Storage and Contractor Equipment Storage in the Rural Zone.

Chair Lee read the case into the record. Board reviewed the application for completeness.

Mr. LaRoche made a motion to accept the application as complete. Mr. Morgan seconded the motion. Roll Call Vote: Mr. LaRoche - aye; Mr. Morgan - aye; Chair Lee - aye; Mr. Rich- aye. Motion passed, 4-0-0.

Brad Jones, Jones & Beach Engineers Inc., Agent, stated the property is located on NH Route 28, it abuts the NH Electric Co-op property and presented plans showing property. He stated two buildings are proposed on the property for boat storage; one being 96,600 square feet and the other 26,400 square feet. There will be a small office with a septic system and well. The storage buildings will not require any sewer or water. An area on the east side of the property will be a gravel pad for storage as well. A wetland permit has already been received for accessing the property so no impact on the wetlands is proposed with these plans. Mr. Jones stated the wetlands is on the back of the property and they will be voluntarily doing a 100’-150’ natural buffer. He stated the project will require AOT approval from the State of New Hampshire however that has not been received at this time although the survey has been completed. There is a DOT permit that exists which will be modified to accommodate the property.

Mr. LaRoche noted the tax map indicates 23.9 acres while the application indicates 17 acres. Mr. Jones stated the property was recently subdivided; it was confirmed there would be two driveway access points with the primary access off of Route 28 and the second located off Emerson Drive.

Mr. Rich noted there appears to be a staging area for materials stockpiling, construction equipment and asked the purpose and use of that area. Mr. Jones confirmed the area would be

used for parking equipment and possibly stockpiling materials; they moved that area out back as far as possible to be out of sight from Route 28.

Mr. Rich asked what the plan is if the access point from Route 28 is not approved. Mr. Jones stated there is already a driveway permit but an amendment will be necessary for the State to look at the entrance and determine if it is adequate for the amount of traffic. Mr. Rich asked what the permitted use was. Mr. Jones stated it is a commercial use driveway.

Chair Lee asked if these buildings will be for seasonal use. Mr. Fuller stated the buildings will be climate controlled but used with the boats going in during the Fall and coming out during the Spring seasons. He stated for a good portion of the year, there will be traffic coming and going. The outdoor parking area will be on the area indicated as gravel on the plans, to the far right side of the property. Mr. Fuller confirmed no work will be done on site to the boats and it will be for storage only.

Mr. Morgan asked how the foundation would be constructed and whether there will be any sort of measures for spill containment. It was confirmed there will be concrete slabs and frost-walls. It was clarified the small building will be located 435' from Route 28.

Mr. Jones stated there will be lighting along the exterior of the buildings for access.

The Board reviewed the comments from the Town departments. Mr. Jones noted there was concern by the Road Agent that there is access from the State road; he stated in regards to the input from the Conservation Commission, this project will have no impact on the wetlands. The access crossing the wetlands is already in place.

Chair Lee confirmed this use is strictly boat and contractor storage with no retail of any kind. Mr. Jones stated that is correct.

Chair Lee opened the hearing to input from the public in favor of the application. None was indicated.

Chair Lee opened the hearing to input from the public in opposition of the application.

Gerald Hyslop, abutter, stated he just found out about this application yesterday and was not previously notified. He stated they are worried about traffic on Emerson Drive; he stated that during wet seasons, the road is nearly impassable with the log and commercial trucks lined up through there. Mr. Hyslop stated there are three other families that live on Emerson Drive and indicated he knows none of the abutters who have been in contact with Mr. Fuller, contrary to statements indicated on the application. He stated the plans indicate no work is being done but where would they be worked on.

Al Sreter, Esq., representative for the applicant, stated the work would be done a marina, this is just a storage site. Mr. Hyslop asked why a second access drive is needed on Emerson Drive; they are concerned about the increase traffic on the road where they have children. Mr. Hyslop

stated there is only about 20' setback with very little woods between the building and Emerson Drive.

Ms. Call stated that during the Planning Board review and approval process, they could potentially put some conditions on the access for Emerson Drive; she stated the setback and buffers would also be addressed by the Planning Board. She stated they will also consider lights bothering abutters and can require down-lighting.

Mr. Hyslop stated there is also an issue with noise from both traffic of boats going in and out as well as construction equipment coming and going. He stated this is a big thing to go into a rural and residential area where people bought homes for the privacy offered in this area. Mr. Hyslop questioned whether this development would depreciate the value of properties on Emerson Drive.

Mr. Sreter stated they will be willing to work with the Planning Board and conditions which may be imposed.

Jason Tremer, abutter, stated Emerson Drive is a private road, is not Town-maintained. He stated they were not notified until the last few days, nor were they approached by Mr. Fuller to discuss these plans. He stated they appreciate the privacy they have in this area and are not in favor of these large buildings being constructed. Mr. Tremer stated the wetland are water, there are no trees or buffer. He stated they are also concerned with the amount of dust that will be created in the area with the large gravel areas; he stated there is no green area buffer. He stated there are other commercial properties in Town that could be better suited for this type of development.

Mr. Jones stated there no intentions to be using Emerson Drive to take boats in and out; the traffic will also be contained to specific times of the year. He stated they would be willing to have discussions with the abutters to try to work out some ideas.

Chair Lee closed public input.

Mr. Morgan stated the general survey by the residents is they want to maintain the rural character of the area; he stated this project seems to be a very large project in a rural area. Mr. Rich agreed and stated there are commercial properties in Town which would lend itself to this type of enterprise rather than going into a rural area. He stated these are not small buildings, there are wetlands and he is concerned that these homeowners build homes, with the intention this would remain rural land. This Special Excerption would change the property into commercial property and Mr. Rich stated he is concerned about the value of the homes in the area. Mr. LaRochelle stated he realizes the NH Electric Co-op has been there for a while but the concerns of the abutters is the increase in traffic on Emerson Drive as well as concerns with the buffer zone and noise. Mr. Rich stated he sees these plans as inconsistent with the Master Plan; he explained the Plan designates the rural and commercial areas, which can only be changed by the voters and it would be a disservice by the Board to the townspeople to allow this particular Special Exception. He stated he is very concerned about the vehicle traffic and values on the surrounding homes.

Mr. Sreter asked to withdraw the application as this time so the applicant can have a chance to reach out to abutters to come to a mutually satisfactory plan.

Chair Lee made a motion to withdraw the application for Special Exception for Case #Z21-12 per the request of applicant's representative. Mr. LaRochelle seconded the motion. Roll Call: Mr. Morgan -aye; Mr. LaRochelle – aye; Mr. Rich – aye, Chair Lee – aye. Motion passed, 4-0-0.

OTHER BUSINESS

- 1. Previous Business:** None.
- 2. New Business:**

Ms. Call stated the ZAC committee is looking to have a meeting in June.

Ms. Call stated the Capital Improvement Planning Committee is looking for some assistant members to sit on the committee.

Ms. Call stated she has been discussing options for distributing packets and documents for review by board and committee members utilizing Dropbox and digital forms. She stated they will be presenting a warrant article for the Board of Selectmen to provide 10 tablets for use by the board.

- 3. Approval of Minutes:**

Meeting of March 5, 2021 – No edits were made. **Mr. LaRochelle made a motion to approve the minutes as presented. Mr. Morgan seconded the motion. Roll Call: Mr. Morgan -aye; Mr. LaRochelle – aye; Mr. Rich – aye, Chair Lee – abstain. Motion passed, 3-0-1.**

Meeting of April 1, 2021- No edits were made. **Mr. Morgan made a motion to approve the minutes as presented. Mr. LaRochelle seconded the motion. Roll Call: Mr. Morgan -aye; Mr. LaRochelle – aye; Mr. Rich – aye, Chair Lee – aye. Motion passed, 4-0-0.**

- 4. Correspondence:** None.

ADJOURN

Mr. LaRochelle made a motion to adjourn. Mr. Rich seconded the motion. Roll Call Vote: Mr. LaRochelle – aye; Mr. Morgan – aye; Chair Lee – aye; Mr. Rich- aye. Motion passed, 4-0-0.

The meeting was adjourned at 8:10PM.

Respectfully Submitted,

Jennifer L. Riel

Jennifer Riel, Recording Secretary

Attachment 1

PREAMBLE

As Chair of the Alton Zoning Board of Adjustment, due to the COVID-19/Coronavirus crisis, and in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04, this Board is authorized to meet electronically, and these reasons shall be reflected in the minutes.

The Town of Alton has moved from "in-person" meetings to "remote audio participation meetings" until further notice, therefore, there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. **We strongly encourage everyone attend our meetings remotely. Should you have a need to attend in person, we will make a remote location available upon a reservation request by you to this office NO LATER THAN TWO (2) BUSINESS DAYS in advance of the meeting date.** However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone:

Members of the public wishing to attend this meeting electronically may call the conference call number from home. Follow the instructions listed under "News and Announcements" on the town's website: www.alton.nh.gov.

b) Providing additional public access by video or other electronic means:

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through the link that is listed under "News and Announcements" on the town's website.

c) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to abutters and the public of how to access the meeting via telephone conference and by using Zoom.

d) Providing a mechanism for the public to alert the public body during the meeting that a member of the public wishes to speak or be recognized during public input at a public hearing:

If you are calling in by conference call, press the "star" sign and then "9" to "raise your hand" to request to speak to the Board. If you are using a computer, use the "raise hand button" to request to speak to the Board. Several members of the public may be conferenced in, and requests to speak will be handled sequentially, one at a time. The Zoom Moderator will allow you to speak when the Board opens public input.

e) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem accessing the meeting, please call (603) 507-1002.

f) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting remotely, or there are difficulties with the Town's equipment the meeting will be adjourned and rescheduled to Thursday, June 3, 2021, starting at 6:00 P.M. at the Alton Town Hall.

You may call the Planning Department at (603) 875-2162 between 8:00 A.M. and 4:30 P.M. Monday - Friday for more information, and for the Dial-in Code and Meeting ID for each Planning Board meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is also required under the Right-to-Know law.