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**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
Thursday, July 6, 2023, at 6:00 P.M.
Alton Town Hall**

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MEMBERS PRESENT

Thomas Lee, Chair
Frank Rich, Vice Chair
Paul LaRochelle, Selectman's Representative
Mike Hepworth, Alternate Member

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OTHERS PRESENT

Padro Avila, Building Inspector
Jessica Call, Town Planner
Brad Jones, Jones and Beach Engineers
Tom Varney, Varney Engineering
John Volpe, applicant
Josh Thibault, Varney Engineering

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CALL TO ORDER

Chair Lee called the meeting to order at 6:00 PM.

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INTRODUCTION OF BOARD MEMBERS

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

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APPOINTMENT OF ALTERNATES

Chair Lee asked Mr. Hepworth to sit on the Board as a member for this meeting.

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MOTION: To bring on Mr. Hepworth as a member for this meeting. Motion by Mr. LaRochelle. Second by Mr. Rich. Motion passed 4-0-0.

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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 that 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.

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APPROVAL OF AGENDA

The Board reviewed the agenda. No changes were made.

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47 **MOTION: To approve the agenda as presented. Motion by Mr. Rich. Second by Mr.**
48 **LaRochelle. Motion passed 4-0-0.**
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50 **NEW APPLICATIONS**

Case #Z23-10 Varney Engineering, Tom Varney, Agent for John & Susan Volpe, Owners	Map 34 Lot 33-20 1 Manchester Avenue	Special Exception Residential (R) Zone
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51 A **Special Exception** is requested from **Article 300, Section 320.D & F** to permit to remove
52 structure and replace with new structure.

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54 The Board reviewed the application for completeness. Mr. Rich noted the cottages are shown but
55 the owners aren't listed for the four cottages at the top of the plans.

56
57 Ms. Call asked Mr. Varney if the cottages are the abutters or if its an association and cottages
58 surrounding the lot. Mr. Varney stated the cottages shown are abutters, surrounding the 28 acres
59 of the campground. He stated the he does not have a list of owners for the cottages; the Christian
60 Conference Center association was notified but the individual cottage owners were not. Ms. Call
61 confirmed the cottages Mr. Rich is referring to are not abutters per the definition by the State;
62 she explained abutters are to land not the individual cottages so the only abutter to be considered
63 is the Association. Mr. Volpe explained there are multiple boards and committees within the
64 campground association which he has been working with over the last couple years through this
65 process, so they have a good understanding of what is happening. He stated he can't build
66 anything that is not approved by the Association board and committee. Mr. Rich stated he is
67 concerned about the four cottages and their views to the lake.

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69 **MOTION: To accept the application for Case Z23-10 as complete. Motion by Mr.**
70 **LaRochelle. Second by Mr. Rich. Motion passed 4-0-0.**

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72 Chair Lee read the public notice into the record and opened the public hearing.

73
74 Tom Varney, Varney Engineering, representative for the applicants, stated the applicants want to
75 replace the building with new construction the building was constructed in 1890 and as
76 deteriorated. Mr. Varney stated the new building will have a full foundation and a higher second
77 floor elevation. The building width increases from 16 feet to 20 feet wide; the length increases
78 from 30 feet to 40 feet. The height increases from 20 feet to 27.5 feet. The building will maintain
79 the same separation from the neighbors' buildings; a NH DES Shoreline Permit is required. Mr.
80 Varney stated there will be stormwater measure including drip edges; the proposed house will
81 maintain the same distances from the sides, but it will get closer to Route 11. He confirmed the
82 plans and site were reviewed by the Fire Department and there are no concerns. The existing
83 cottage if 528 square feet; the proposed is 800 square feet.

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85 Mr. LaRochelle stated he is concerned about the addition of square footage as well as the new
86 building being 14 feet from the existing two cottages instead of 24 feet which puts it closer to
87 Manchester Avenue.

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Ms. Call stated correspondence was received from the Fire Department, indicating that since the plans are going outside the footprint, there are concerns with adequate accessibility especially with the area being already tightly quartered. However, after visiting the site, the concerns were withdrawn per email correspondence.

Mr. Rich asked if the existing cottage has been removed. Mr. Volpe confirmed it has not.

Mr. Rich referenced the ordinance which indicates in-kind replacement for nonconforming structures, which are voluntarily removed, may be permitted if a Special Exception is approved by the ZBA, if the replacement complies with specific criteria. He stated in-kind requires the same square footage and building area but the footprint can be realigned to meet setbacks and he doesn't believe this criteria is being met based on the ridge height going from 23.9 feet to 31.3 feet. He stated the footprint is going from 528 square feet to 800 square feet which is a 27% increase; the living space is going from 672 square feet to 1559 square feet, which is 1.5 times the existing home. Mr. Varney stated the use is not changing and doesn't believe this applies.

Ms. Call stated the use is the fact that the Christian Conference Center is in the residential zone and is a campground, which is a nonconforming use in the zone.

Chair Lee agreed that the conference center is nonconforming; he is also concerned about the replacement of nonconforming uses. Mr. Rich stated there is a letter from the executive director, Bradley Smith, confirming permission was given for a new foundation and drainage retention but nothing is said about a new house. He stated there is nothing indicating the association building committee approved a new structure on the property, but only foundation and drainage retention. Mr. Rich recommended the applicant should consider the concerns and come back with the appropriate information than to have the Board deny the request. Mr. Rich stated he wants clarification from the Association as well as confirmation of support by the four nearby cottage owners.

Building Inspector Avila stated a memo was received from the Public Works Superintendent which indicates the home must not go over the water main; if it does, there needs to be an inspection process by the water department. Mr. Avila stated he would like more clarification on that as well as the setbacks from the surrounding homes as he is concerned about encroachments and fire safety. Mr. Volpe explained the existing porch is being removed so the house would not be closer on one of the sides; it is getting close to the road.

Mr. Rich stated it appears the home behind the proposed house is only 4 to 5 feet from the proposed house; the corner of the proposed house also appears to be in the road. Mr. Avila agreed this would be an area of concern to be considered. Mr. Rich stated if this is allowed, the road is going to be very narrow through that area. Mr. Volpe presented photos showing the distances and egresses; he stated the rock wall and other cottages establish the width of the road but this house does not affect that. He explained the location of the other cottages and there is only one that is behind the proposed house; once the porch is removed, the cottage will have a view of the lake.

134 Chair Lee suggested a Site Walk might be beneficial for the Board; he stated the photos
135 presented don't seem to represent the case well.

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137 The Site Walk was set for Wednesday, July 12, 2023, 10:00 AM.

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139 Chair Lee stated the public hearing for Case #Z23-10 would be continued to August 3, 2023 at
140 6:00 PM.

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Case #Z23-13 Joseph & Patricia Kiely	Map 55 Lot 8 36 Woodlands Road	Special Exception Variance Lakeshore Residential (LR) Zone
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142 A **Special Exception** is requested from **Article 400, Section 401.A.1** to permit an Accessory
143 Dwelling Unit and a **Variance** for **Article 300, Section 319.B.5** to permit the ADU to be
144 detached.

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146 The Board reviewed the application for completeness.

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148 **MOTION: To accept the application for Case #Z23-13 as complete. Motion by Mr.**
149 **LaRochelle. Second by Mr. Rich. Motion passed 4-0-0.**

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151 Chair Lee read the public notice into the record and opened the public hearing.

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153 Joseph Kiely, applicant, stated they purchased the home in the last year and there was a fair
154 amount of neglect with the property; he stated he has a family of 6 and the house has two small
155 bedrooms. He stated there is an old shed on the property which is very neglected and there are
156 existing rooms. Mr. Kiely stated he is proposing to clean up the outside of the structure and add
157 windows to be able to use it as a bedroom. He stated the request is to renovate rooms that are
158 already existing; the footprint will not change. He stated the home is winterized and is a second
159 home.

160
161 Mr. Avila stated he does not support the proposal and explained the approved building permit
162 issued for this structure restricts the use to storage or garage. He stated there are numerous
163 concerns in regards to life and safety if it were used for this purpose. Mr. Kiely stated the
164 property was purchased with a definite room in that structure; he stated there was never any
165 indications prior that this could not be done; he stated there is a second floor. He stated he is
166 looking to do this properly and is requesting approval to do this correctly.

167
168 Chair Lee stated he sees both sides and referenced the Accessory Dwelling Unit standards; he
169 stated ADUs are permitted with a Special Exception, provided standards are met, including being
170 attached or within a current house. He stated its clear in the ordinance that an ADU must be
171 attached or within a house, especially within a lakeshore residential zone. Mr. Kiely stated there
172 are numerous homes in the area with rooms above garages which are utilized for this purpose.
173 Mr. Rich stated if that is the case, those are in noncompliance; they can't approve this application
174 based on the ADU criteria. He suggested Mr. Keily attach the garage to the home with a
175 breezeway or hallway. Mr. LaRochelle stated a bathroom would also be needed, which may
176 necessitate a septic upgrade; he also suggested looking into adding a room to the existing house

177 or utilize existing space.

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179 After discussion with the Board, the applicant requested to withdraw the application.

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181 **OTHER BUSINESS**

182 **1.** Previous Business: None.

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184 **2.** New Business:

185 **A. Announcement of New Town Hall Operating Hours:**

186 On June 6, 2023, the Board of Selectman approved the Town Hall to change to a
187 4 day work week effective the week of June 19th and will have schedule as
188 follows:

189 Monday through Thursday from 7:00AM to 5:30 PM and closed on Fridays.

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191 **B. Review of updated administrative deadline dates due to operating hour changes.**

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193 **3.** Approval of Minutes: ZBA meeting minutes of June 1, 2023 – Postponed due to lack of
194 quorum.

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196 **4.** Correspondence: None.

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198 The meeting was adjourned at 7:47 PM.

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200 Respectfully Submitted,

201 *Jennifer Riel*

202 Jennifer Riel, Recording Secretary