

On 7-11-05 Mark Morrill sent a letter to K. Menici stating that the findings best met the highway challenges and has been through one winter with no concerns from DOT. On 2-10-06 Mr. Brandt received and encroachment permit from DOT to build within the ROW.

Hank Brandt – Per the building Inspector I didn't need a building permit because a stonewall is like a fence. DOT is fine with the stonewall.

B. Tanguay – In 2003-2004- Mr. Brandt was granted a special exception to renovate the cottages.

H. Brandt – The wall is only stones. There is no mortar or anything holding the stones together. If it had to be taken down it could stone by stone. The stones are lying on the ground and on top of each other.

M. Perry – The Fire Chief is not sure that the ladder truck can get in there. There needs to be cooperation between the Fire Department and DOT to modify the entrance.

H. Brandt – DOT brought the issue to the Building Inspector and he didn't have any issues with it. We had numerous meetings with the Fire Chief and he failed to give me and DOT a list of materials. The Fire Chief said the area between the structures and the stonewall acts as a barrier and he is not putting his fire trucks nor his men in the area.

B. Tanguay – We are seeking an area variance because DOT required us to put the stonewall there.

D. Schaeffner – Who determined the wall placement?

H. Brandt – Randy Talon from DOT.

T. Kinnon – Why was the wall placed there?

H. Brandt – DOT didn't want any parking created between the wall and the highway.

S. Hurst – Is DOT aware that there is a water main there?

H. Brandt – Yes I believe they do. If they need to get to the water main than only a small section of the wall needs to be removed.

M. Perry – I will open this to the public. Seeing none I will close it to the public.

M. Perry – It has a strict definition in zoning.

S. Hurst – I agree for the variance.

D. Schaeffner – I don't see it as a structure because there are no footings and it can be removed but it is a poor choice for a fence.

Motion made by M. Perry to deny Case #Z06-12 because the definition states that it is a structure, seconded by T. Morgan. Motion failed with 3 opposed and 2 in favor of.

Motion made by T. Kinnon to approve Case #Z06-12 because the Zoning Ordinance allows fences and the wall is creating a barrier like a fence, seconded by D. Schaeffner. Motion passed with 3 in favor and 2 opposed.

Motion made by T. Kinnon to continue Cases Z06-13 & Z06-15 to the September 7th meeting until the ZBA can speak with Town Council, seconded by T. Morgan. Motion passed with all in favor.

Case Z06-23	Map 2 Lot 20	Variance
RACO Development		Prospect Mountain Road
Application submitted by RACO Development to request a variance from the Town of Alton Zoning Ordinance 2006 Article 400 Section 433, Paragraph E – Restrictions Governing Uses – to allow a corner lot to have less than the minimum road frontage. The property is located in the Rural Zone.		

M. Jerkins – No waivers are being requested.

Motion made by T. Morgan to accept Case #Z06-23, seconded by M. Perry. Motion passed with all in favor.

Vernon Dingman – We are here tonight and it is based on a timing issue. When lot 20-1 was sold the two parties entered into an agreement for the buyer to purchase an additional 50' strip. The remainder parcel will be facing off of the new proposed road. The new ordinance requires frontage on each street. The proposed lot would provide over 500' of frontage with the lesser amount on Prospect Mountain Road because we are taking 50' away from it now and there is almost 370' of frontage on the proposed street. The house faces the proposed street and the driveway would come off of the proposed street.

D. Schaeffner – Was the IGMO signed during the purchase and sales agreement?

V. Dingman – Yes

M. Perry – It was signed but the regulations changed at that time also.

T. Kinnon – What stage are you at with the Planning Board?

V. Dingman – We have done all of the Technical Review.

M. Jerkins – They have an application submitted to be on the August 15th agenda for the remainder of their subdivision.

M. Perry – I will open this to the public.

Ernie Gillan – I am the owner of Map 2 Lot 20-1. I wouldn't have purchased the lot if this extra 50' wasn't granted. This was the only reason we accepted the house. I am in favor of. My house sits on the 10' setback as it is. This extra 50' would create a buffer between the two houses.

M. Jerkins – I have a letter here from Kathleen and Mike Currier dated August 3, 2006.
To: Zoning Board Members regarding Case #Z06-23 RACO Development. As an abutter to this property Kathleen & Michael Currier, Map 2 Lot 19, my husband and myself are against the request for a variance. Mr. Ragonese has ignored requirements of the town and state on his development to date. I do not see why we as a town should allow a developer with poor planning practices and disregard for rules and regulations to be rewarded with an excuse to do as he wants. Please take this into consideration as it is only a hardship that he created for himself. Thank you again for taking this under advisement. Signed Mike and Kathy Currier.

V. Dingman – Mr. Ragonese has adhered to the different points of development. Mr. Ragonese has corrected the erosion problems but we have had a lot of rain. Putting back in siltation if it was washed out.

M. Perry – Monica are there any comments from the department heads.

M. Jerkins – Reviews were done when the applicant first came to the Planning Board and since the proposal had not changed they did not review the site again.

M. Perry – Was there anything from the original comments.

M. Jerkins – The comment from Brian Boyers – Code Official dated 10-2-04 the 4th lot lacks 200' frontage. From the Conservation Commission – There are comments from Justine Gengras – this location is near where I live. Someone should look at this. It is a low point between two rises. It is a bear to drive in the winter. I can't imagine accessing these lots from the road in the winter. Quite honestly there is much greater slope to the brook than the plan shows. I am sure that some jurisdictional wetlands flank the brook. Hopefully tree removal for the development won't increase brook flowage and cause problems for the cottages that flank the flats at the ?? with Half-Moon Lake. She is not an abutter but lives near the proposed project.

I have here a wetlands complaint dated 7-31-06 from Justine Gengras. It is regarding continual perennial stream and Half-Mon Lake degradation from construction activity from Map 2 Lot 20 & 20-1. This is an urgent situation. The quality of this perennial stream has been severely degraded and Half-Moon Lake has been degraded. Fish kills are resulting from this activity. May 2006 during a heavy rain event at Prospect Mountain Road I saw the perennial stream abutting lot 20-1 flowing brown with muddy water resulting from no erosion controls on the above referenced lots. The stream flows into Half-Moon Lake. A few days after this event, numerous small dead fish washed up on Fern Hill Community Beach. I personally removed about 3 dozen dead fish from the beach. This condition has occurred after every heavy rainstorm since then. No erosion or siltation controls have ever been on these lots. I live in the neighborhood and drive past this location regularly. July 28, 2006 about 8pm reporting and complaining that the brook was flowing brown all the way to Half-Moon Lake. A torrential rain had occurred about two hours prior. A complaint was also received from a property owner whose property abuts the brook outflow at Half-Moon Lake. I reviewed the brook

shortly after receiving the complaint and it was disk. I viewed the muddy stream at Prospect Mountain Road and Half-Moon Lake. The stream degradation was worse than in May (see photos). Silt laid in water entered from two routes, one from lot 20 driveway, unstabalized soils into Prospect Mountain road ditch than into brook, and two from lot 20-1 unstabalized soils from the yard on the brook side of the driveway through the woods and down to the brook. On lot 20-1 a large amount of silt has been deposited on the sloping surface of the woods abutting the stream near Prospect Mountain Road. This silt will continue to be deposited in the brook with every future rain event. Signed by Justine Gengras – Co-Chair of the Alton Conservation Commission.

There are comments from the Fire Chief. All first stage building shall have access to the homes for emergency equipment and if the project continues into a second stage it will be required to have cistern system installed, and those are both planning issues.

The Highway Department states that the location of the lots are good for site distance. Police Department just asked that there be a stop sign at the end of the road.

V. Dingman – I know that with the first phase approval, Mr. Ragonese, voluntarily provided a buffer zone along that wetland. I think what that individual is addressing is what erosion that has occurred right along the roadway coming off of that hill. The road was built last year and there are new swales and to my knowledge they are not stabilized yet.

M. Perry – I will close it to the public and we will go into deliberations.

T. Morgan – I think a variance is clearly needed.

T. Morgan – The variance will not be contrary to the public interest.

M. Perry – I agree

T. Kinnon – I agree

D. Schaeffner – I agree

S. Hurst – I agree

M. Perry – 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.

T. Kinnon – I agree

D. Schaeffner – I agree

S. Hurst – I agree

T. Morgan – I agree

T. Kinnon – By granting the variance, substantial justice will be done.

D. Schaeffner – I agree

S. Hurst – I agree

T. Morgan – I agree

M. Perry – I agree

D. Schaeffner - The request will not diminish the value of the surrounding properties.

S. Hurst – I agree

**T. Morgan – I agree
M. Perry – I agree
T. Kinnon – I agree**

S. Hurst – An area variance is needed to enable the applicant’s proposed use of the property given the special conditions of the property and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

**T. Morgan – I agree
M. Perry – I agree
T. Kinnon – I agree
D. Schaeffner – I agree**

Motion made by T. Kinnon to approve Case #Z06-23 with the condition that Map 2 Lot 20 has there driveway off of the proposed road, seconded by T. Morgan. Motion passed with all in favor.

Approval of Minutes

June 27 were approved as amended. Motion by M. Perry seconded by T. Kinnon. Motion passed with all in favor.

July 6 were approved as amended. Motion by M. Perry seconded by T. Kinnon. Motion passed with all in favor.

Motion by M. Perry to adjourn, seconded by T. Morgan.

Respectfully submitted,

Jennifer M. Fortin
Secretary Po-Tem