

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING  
Thursday, August 5, 2021, at 6:00 P.M.  
Alton Town Hall**

**MEMBERS PRESENT**

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

**OTHERS PRESENT**

John Dever, III, Code Enforcement Officer  
Justin Pasay, Esq., Donahue, Tucker & Ciandella, PLLC  
Brad Jones, Jones and Beach Engineers  
Dave Fuller, site developer  
Jason Boucher, resident

**CALL TO ORDER**

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

**INTRODUCTION OF BOARD MEMBERS**

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

**APPOINTMENT OF ALTERNATES**

No alternates were 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**

The Board reviewed the agenda. No changes were made.

**Mr. Rich made a motion to approve the Agenda as presented. Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.**

**NEW APPLICATIONS**

<b>Case #Z21-20 Donahue, Tucker &amp; Ciandella, PLLC, Agent for; Sadco Site Development (Applicant/ Agent ) &amp; John W. Matarozzo Jr., Owner</b>	<b>Suncook Valley Rd. Map 9 Lot 6</b>	<b>Special Exception Rural (R) Zone</b>
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A **Special Exception** is requested from **Article 400, Section 401 & Article 500, Section 520** of the Zoning Ordinance to permit two boat storage buildings, corresponding gravel storage pad and a small office building in the Rural Zone.

Chair Lee record public notice into the record. The Board reviewed the application for completeness.

Mr. Monzione suggested the application doesn't meet the definition of construction yard and suggested two separate applications should be required.

Justin Pasay, Esq., Donahue, Tucker & Ciandella, PLLC clarified that there is no intention to be a gravel yard and no request for a special exception for a contractor's construction yard.

**Mr. LaRochelle made a motion to accept the application for Case Z21-20 as complete. Mr. Monzione seconded the motion. Motion passed, 4-0-0.**

Mr. Pasay gave an overview of the proposed project. He stated this property was before the Board in May but the configuration of the two buildings on the property were different at that time. He stated residential abutters raised concerns about the view of the shed and traffic impacts on Emerson Drive. In response, the larger building was moved away from Emerson Drive, additional plantings and screening are proposed; there were also further discussions with the abutters. Mr. Pasay stated that in light of the alternations, abutters who were initially opposed to the plans, are now supportive of the plans as presented. There will no longer be access from Emerson Drive, with a single access from Route 28/Suncook Valley Highway.

Mr. Pasay outlined the description of the property which slopes away from Route 28, is surrounded by properties owned by Mr. Matarozzo; most of it is vacant and unimproved wetlands. There is a single residential property of 2.25 acres to the north. The property to the south is owned by the New England Electric Co-op which has a warehouse building and a significant amount of pavement area. There are residential properties to the south east as well. Mr. Pasay stated the character of the area seems to be generally mixed. He stated the way the site has been designed will keep it obscured from view and the use will be benign.

Brad Jones, Jones and Beach Engineers, stated they have done a topographical survey of the property; it has been somewhat developed with a wetlands permit and a common access driveway. The wetlands fill has been done. He stated the plans for this project do not intend to do any further disturbance of wetlands. The property is 17.17 acres; the buildings have been moved

and wooded buffers increased. Mr. Jones stated they will need a NH DOT use permit, then the plans will go back to the Planning Board after ZBA approval. He outlined the changes which includes the removal of the "RV" for the storage pad; the buffer was changed to be "wooded"; they need to locate a storm water pond for drainage but there is a space for that.

Mr. Rich asked what the elevation of the slab of the large building would be. Mr. Jones stated it would be around 578 but they still need to go back for spot grading with some additional balancing of the site; he stated the entire lot will pitch back about 1% but it will be dependent on how the storm water plan is set up. Mr. Rich confirmed the substantial wooded buffer will protect the Tremer Revocable Trust property and wetlands which abut this lot. He noted the height of the buffer about 100' with no intention by the applicant to remove the wooded area. Mr. Jones confirmed that is correct.

Chair Lee asked the proposed height of the large building. Mr. Jones stated it would be 35'; the pitch of the roof will be minimal.

Mr. Monziona asked if there are plans to have boat storage racks outside. Mr. Jones stated the racks will be inside only; outside storage will be on the ground. The height of the smaller building will be 20'.

Mr. Rich noted there would be no service work done at this site and asked for elaboration. Mr. Matarazzo stated the intention is to have only off-season storage; the boats will go inside winterized; there will be no washing on site, and it will be strictly storage with no valet service. The boats will be ready to put in the rack prior to arriving at the site.

Mr. Monziona stated it seems the most activity and traffic from here will occur while school is in session. He asked if a traffic study on the average traffic flow for a facility like this has been done, in preparation for the discussion question on impact on vehicular traffic. Mr. Jones stated it has not been done. He stated a NH DOT application with approved driveway permit is on file but they will need to amend the use. He stated he does a lot of self-storage facilities and explained the traffic count is low compared to residential homes. There will be one in and one out per boat. Mr. Jones explained they would be doing traffic counts for the amendment and anticipates NH DOT being satisfied. Mr. Monziona stated this will add traffic and it will be at the times of school traffic so they need to look at this criteria carefully.

Mr. Rich suggested the applicant consider the location of the property in proximity to Prospect Mountain High School and look at the time frames that the school may be busy and limit the amount of usage at those times. He stated the applicant has control of when people come and go for the boat storage and it could give the Board a level of comfort with regards to school traffic.

Mr. LaRochelle asked what the total storage will be. Mr. Jones stated it would be approximately 400 boats. Mr. LaRochelle stated that will be a lot of activity over the course of about a month at the end of the season; he stated the nuisance to vehicular traffic is seasonal but if the time period could allow the in and out on certain days and times, it would be better. Mr. Pasay stated it's a two month period at the beginning and end of the season; with the total number spread over the number of days would be about seven trips a day. He stated by right, a marina and other types of

uses would not have to go before the ZBA but could be more impactful. Mr. Rich stated the difference is a school is right across the street. He stated they want to be proactive with having student drivers in the area. Mr. Monziona agreed there are other uses which are permitted by right but they still need to look at the impact and it needs to be reviewed by the Planning Board. He stated it is important to minimize undue hazard. Chair Lee suggested there be a condition that a traffic study be done.

Mr. Dever confirmed the driveway permit in place from NH DOT is for commercial activity. He stated it is on record and they know the high volume hours in the area has been determined by the school and the State. It was noted the speed limit is 35 mph all the way past the school. Mr. Dever noted there is already boat storage at the garden center in the off season. He also pointed out the original plan has access from Emerson Drive with the primary access off Route 28; he stated the secondary access was eliminated in this revised plan but he isn't aware of a review by the Fire Department for removal of the secondary access. Chair Lee stated a letter was received from the Fire Department just prior to the meeting, indicating there are no issues or concerns but review of the final plans will be needed.

Mr. Fuller confirmed the facility will be strictly seasonal storage with no coming and going beyond the time frames discussed. He stated there will not be any sanitary facilities in the storage buildings; the public won't be going in the buildings as the boats will be put away for them. There will be climate control in the buildings.

Mr. LaRochelle asked if there would be any security lighting. Mr. Fuller stated there would be minimal lighting, on a timer.

Mr. Pasay went through the Special Exception criteria and outlined their reasons for granting approval:

- The plat has been submitted;
- The site is appropriate for the use and they view this as an ideal use in the mixed use area; it is a large property and well buffered from Route 28 and abutters;
- Map 9, Lot 61 was the subject of a previous ZBA case in 2018 and approved for light machining and the proposed use for this lot is less impactful;
- There is no valid objection from abutters; the concerns raised in May have been resolved with more buffer and moving the building back;
- There is no undue nuisance to vehicular traffic; Mr. Pasay stated the traffic will be light and contained to a couple months out of the year, noting they are willing to work with being accommodating and resourceful with regards to the school traffic;
- The proposed septic system will be adequate but there is also further vetting through the State and Planning Board;
- The proposed plan is in line with the Master Plan; it encourages logical development and doesn't interfere with the rights of abutting property owners; the design of the buildings is such that they are the most insulated from view; he stated it is a benign use which will be well suited for the natural and character of the area.

Chair Lee opened the public hearing to input in favor of the Special Exception.

Jason Boucher, abutter, stated he is concerned whether there would be construction east of the wooded buffer; he stated if the building is sold down the road, will the next occupant be able to build east of the buffer. It was clarified the only plans that can be approved are those presented tonight; a zoning change would be needed for commercial development as this is in a rural zone.

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

Mr. Rich commended the applicant for recognizing there were issues and holding off the application until those were addressed. He stated a lot of time and effort was put in to address abutters' concerns.

***Discussion – Case #Z21-20***

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

Mr. Monziona 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. LaRochelle stated the specific site **is** an appropriate location for the use. He stated there is a lot of wooded buffer zones all the way around the residential areas, and this seems an appropriate location for the use, keeping in mind the traffic. Mr. Monziona stated it's an appropriate use given the area, although there is concern about the location of the school in close proximity but the applicant will be addressing that concern. The Board agreed.

Mr. Rich stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated there has been no factual evidence or testimony presented from abutters that the surrounding land values would be reduced. Mr. Rich stated the land and the usage of the land seems to lend itself to this use; the applicant has taken the time and energy to change the configuration of the buildings so the residential abutters' concerns about visibility of the buildings are addressed. The Board agreed.

Chair Lee stated there **is no** valid objection from abutters based on demonstrable fact. He noted one abutter spoke at this hearing but there was no objection. No abutters came forward and no letters or communications in opposition were received. The Board agreed.

Mr. Monziona 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 there is the condition the applicant take all reasonable steps to address the traffic concerns regarding the school it is in close proximity to; providing that those are appropriately addressed in their activity with NH DOT as well as the Planning Board. There is adequate parking. The Board agreed.

Mr. LaRochelle stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure. He stated there will be adequate electricity; the water will be a private well; the septic system will be approved through NH DES and part of the Planning Board process. The Board agreed.

Mr. Rich stated there is adequate area for safe and sanitary sewage disposal and water supply. He stated the applicant's engineer has indicated they will be going for NH DES approval for water and sewage; it will be a condition of approval that those things are installed at some point. 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 Mr. Pasay outlined the details how this project is in the spirit of the ordinance. Mr. Monziona stated it was also pointed out it is a matter of right in this zone and the use is permitted by special exception. He stated the way the site is laid out, it won't be inconsistent with the reasons for the ordinances or intent of the Master Plan. Mr. Rich stated the applicant made significant changes from the first proposal which make it consistent with the ordinances and Master Plan. The Board agreed.

Mr. Monziona suggested the following conditions: NH DES approvals; accessibility and operation of the boat storage facilities to take into the school traffic conditions and adjust the hours accordingly; DOT and AOT approvals.

**Mr. Monziona made a motion to grant the request for a Special Exception for Case #Z21-20 based on the following conditions:** NH DES approvals; accessibility and operation of the boat storage facilities to take into the school traffic conditions and adjust the hours accordingly; DOT and AOT approvals. **Mr. LaRochelle seconded the motion.**

**Mr. Monziona made an amendment to the motion to include condition that the applicant comply with fire department and safety requirements. Mr. LaRochelle seconded the amendment. Amendment passed, 4-0-0.**

**Amended motion passed, 4-0-0.**

## **OTHER BUSINESS**

1. Previous Business:
  - a. Master Plan: Updates from the Chairman

Mr. LaRochelle stated the Master Plan Committee will be at Old Home Day to present and talk about the Master Plan review; there will be workshops on October 10, 2021 and this is open to the public. On September 17, 2021 there will be a business development workshop which will be an opportunity for people to bring input on the kind of businesses and character they want to see in town; on September 24, 2021 there will be a meeting on the needs and wants for growth of the town's senior population.

- b. ZAC: Updates from the Chairman

Mr. Dever stated there will be discussion on the short term rental/Air B and B situation; he stated there were many citizens at the last ZAC meeting who expressed concerns involving this issue. He stated

- c. Alternative Housing Committee: Updates from the Chairman

Mr. LaRochelle stated the last meeting was cancelled due to there being no new information.

2. New Business:
3. Approval of Minutes: ZBA meeting minutes of July 1, 2021 – No edits were made. **Mr. Monziona made a motion to approve the minutes as presented. Mr. Rich seconded the motion. Motion passed, 3-0-1.** Mr. LaRochelle abstained.
4. Correspondence:

None.

#### **ADJOURN**

**Mr. Rich made a motion to adjourn. Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.**

The meeting was adjourned at 7:46pm.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary