

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING  
August 6, 2020, at 6:00 P.M., Alton Town Hall**

**UNTIL FURTHER NOTICE:** To keep our members and staff safe, and to comply with RSA 91-A, the COVID-19 State of Emergency, and the Governor’s Orders on restrictions at public gatherings, the Town of Alton is moving from "in-person" meetings to "remote audio participation meetings". To remotely attend the meeting (audio only) visit our website: [www.alton.nh.gov](http://www.alton.nh.gov) for telephone access and remote access instructions listed under News and Announcements on the home page (you can access an audio/video livestream there as well), or telephone the Planning Department’s Office at (603) 875-2162 between 8:00 AM to 4:30 PM for more information, and for the Dial-in Code and Meeting ID for each Zoning Board meeting.

**Members Present**

Frank Rich, Chairman  
Thomas Lee, Vice Chair  
Paul Monzione, member  
Paul LaRochelle, Selectman’s Representative/clerk  
Tim Morgan, member

**Others Present**

John Dever, III, Code Enforcement Officer

**CALL TO ORDER**

Chair Rich called the meeting to order at 6:04pm and read the attached statement.

Introductions were made of the Board members present at Town Hall.

**APPROVAL OF AGENDA**

The Board reviewed the Agenda. No changes were made.

**Mr. Monzione made a motion to approve the Agenda as submitted. Mr. Morgan seconded the motion. Roll Call: Mr. Monzione – aye; Mr. Morgan – aye; Mr. LaRochelle – aye; Mr. Lee – aye, Chair Rich – aye. Motion passed, 5-0-0.**

**APPOINTMENT OF ALTERNATES**

Chair Rich stated no appointment of alternates can be done as there are no alternate members available. He stated the Board is still looking for alternate members.

**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.*

**CONTINUED FROM JULY 2, 2020**

<b>Case #20-09                  Justin Pasay, Esq., of Donahue,                  Tucker &amp; Ciandella, PLLC &amp;                  Brad Jones of Jones &amp; Beach                  Engineers, Agent for Rand Hill                  Realty, LLC</b>	<b>Mount Major Highway, NH                  Rte. 11N                  Map 49 Lots 4, 5 &amp; 5-1</b>	<b>Special Exception                  Rural (RU) Zone</b>
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A **Special Exception** is requested from **Article 400, Section 401, Table of Uses, Section D. Retail Business and Services** of the Zoning Ordinance to permit the following uses in the Rural Zone:

4. Automobile Service Station; **12.** Boat Services; **13.** Boat Storage; **41.** Restaurant; and **42.** Retail Store.

Mr. Dever stated the applicants have requested a continuance to the next regularly scheduled meeting, September 3, 2020.

**Mr. Morgan made a motion to grant the request for a continuance to the next meeting, September 3, 2020. Mr. LaRochelle seconded the motion. Discussion:** Mr. Monzione confirmed the request was submitted in writing and this is the second request for a continuance by the this applicant. Mr. Dever confirmed that is correct. He stated if there is a third request for a continuance, it will be at the discretion of the Board. Mr. Monzione noted there are specific by-laws in regards to the procedures of the ZBA which are available on the website. **Roll Call: Mr. Monzione – aye; Mr. Morgan – aye; Mr. LaRochelle – aye; Mr. Lee – aye, Chair Rich – aye. Motion passed, 5-0-0.**

Chair Rich asked Mr. Dever to notify the applicant this will be their second continuance.

<b>Case #20-10                  Thomas Varney, P.E., Varney                  Engineering, Agent for                  Joseph T. Byrne</b>	<b>29 Riverlake Street                  Map 32 Lot 3</b>	<b>Special Exception                  Residential (R) Zone</b>
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A **Special Exception** is requested from **Article 300, Section 360** of The Zoning Ordinance to permit a non-habitable structure as principle building on a lot in a Residential Zone.

<b>Case #20-11</b> <b>Thomas Varney, P.E., Varney Engineering, Agent for Joseph T. Byrne</b>	<b>29 Riverlake Street</b> <b>Map 32 Lot 3</b>	<b>Variance</b> <b>Residential (R) Zone</b>
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A **Variance** is requested from **Article 300, Section 327** of The Zoning Ordinance to permit a residential garage to be built within the setback requirements.

Mr. Dever stated a request for a continuance was requested for Case #20-10 and #20-11.

Mr. Monziona stated he would be recusing himself from this case.

**Mr. Morgan made a motion to grant the request for a continuance for Case #20-10 and Case #20-11 to the September 3, 2020 meeting. Mr. LaRochell seconded the motion. Roll Call: Mr. Monziona – abstained; Mr. Morgan – aye; Mr. LaRochelle – aye; Mr. Lee – aye, Chair Rich – aye. Motion passed, 4-0-1.**

Chair Rich asked Mr. Dever to notify the applicant this will be their second continuance.

**NEW APPLICATIONS**

<b>Case #Z20-13</b> <b>Benchmark Engineering, Inc. c/o Joe Maynard Agent for Patricia M. Harvey Revocable Trust</b>	<b>#18 NH Route 11D</b> <b>Map 50 Lot 11</b>	<b>Special Exception</b> <b>Lakeshore Residential (LR) Zone</b>
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A **Special Exception** is requested from **Article 300, Section 320** of The Zoning Ordinance to permit an existing home to be razed and new home constructed 5 feet from the high water line within side and rear set backs on a lot in a Lakeshore Residential Zone.

Chair Rich read the case into the record. The Board reviewed the application for completeness. Mr. Dever stated the applicant is not present and requested a continuance. The Board concurred with tabling the review of the application.

**Mr. Monziona made a motion to table the review of the applicant for Case #Z20-13. Mr. Morgan seconded the motion. Roll Call: Mr. Monziona – aye; Mr. LaRochelle – aye; Mr. Morgan – aye; Mr. Lee – aye, Chair Rich – aye. Motion passed, 5-0-0.**

**OTHER BUSINESS**

1. **Previous Business:**
  - a. **Finalize discussion on ZAC Committee Members- Need 3<sup>rd</sup> Member**

Mr. Dever stated Mr. LaRochelle is a non-voting member on the ZAC, and two full representatives are needed from the Zoning Board. After discussion, the Board concurred with Mr. Lee and Chair Rich

being voting members with Mr. LaRochelle being a Selectman's representative and voting member to break a tie vote.

Mr. Monzione stated ZAC should consider reviewing the definitions of setbacks in regards to right-of-ways and high-water marks, then determine whether additional language is needed.

**2. New Business:**

**a. Discussion on HB 1129 Notice Requirements for Municipal Public Hearings**

Mr. Dever stated there have been changes by the legislature in how public notices are posted; he stated print in newspapers is no longer required as long as it's posted on the Town website and at the usual public places. Mr. Dever stated this will be a savings of \$75 to the applicant and is effective September 1. Mr. Monzione asked if the Board can require newspaper noticing; Mr. Dever replied he will need to find out.

**3. Approval of Minutes:**

Meeting of February 13, 2020- The Board reviewed the minutes.

**Mr. Monzione made a motion to approve the minutes as presented. Mr. LaRochelle seconded the motion. Roll Call: Mr. Monzione – aye; Mr. LaRochelle – aye; Mr. Morgan – abstain; Mr. Lee – abstained, Chair Rich – aye. Motion passed, 3-0-2.**

Meeting of July 2, 2020- The Board reviewed the minutes.

- Edits were made: page 2 remove “Mr. Morgan joined the meeting”; page 8 add that the Board made the decision to continue Case #20-10 and Case #20-11 and it was not by request of the applicant.

**Mr. Morgan made a motion to approve the minutes as amended. Mr. LaRochelle seconded the motion. Roll Call: Mr. Monzione – aye; Mr. LaRochelle – aye; Mr. Morgan – abstain; Mr. Lee – a, Chair Rich – aye. Motion passed, 5-0-0.**

**4. Correspondence:**

Mr. Dever stated a complaint letter was received regarding Case #20-09, and was sent to all members of the Zoning Board, Planning Department, Conservation Commission, Board of Selectmen, as well as NH Forestry Department. He noted the statute is valid and it is being addressed.

**ADJOURN**

**Mr. Monzione made a motion to adjourn. Mr. Morgan seconded the motion. Roll Call: Mr. Monzione – aye; Mr. LaRochelle – aye; Mr. Morgan – aye; Mr. Lee – aye, Chair Rich – aye. Motion passed, 5-0-0.**

The meeting was adjourned at 6:41pm.

*TOWN OF ALTON – ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING MINUTES  
August 6, 2020*

**APPROVED**

Respectfully Submitted,

Jennifer Riel, Recording Secretary

ATTACHMENT #1

***CHECKLIST TO ENSURE ZONING BOARD MEETINGS ARE COMPLIANT WITH THE  
RIGHT-TO-KNOW LAW DURING THE STATE OF EMERGENCY***

*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.*

*Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor’s Emergency Order. 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](http://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: [www.alton.nh.gov](http://www.alton.nh.gov).*

***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 laptop 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 via conference call, or there are difficulties with the Town’s equipment, the meeting will be adjourned and rescheduled to Thursday, August 6, 2020, at 6:00 pm at the Town Hall.*

***UNTIL FURTHER NOTICE: To keep our members and staff safe, and to comply with RSA 91-A, the COVID-19 State of Emergency, and the Governor’s Orders on restrictions at public gatherings, the Town of Alton has moved from "in-person" meetings to "remote audio participation meetings" until further notice. You may call the Planning Department at (603) 875-2162 between 8:00 AM to 4:30 PM for more information, and for the Dial-in Code and Meeting ID for each Zonong 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.*