

TOWN OF ALTON ZONING AMENDMENT COMMITTEE

August 23, 2016

Minutes approved 9/13/16

Members Present:

Paul Monzione, Chair
Lou LaCourse, Member

Others Present:

Nic Strong, Town Planner
Traci Cameron, Planning Secretary
John Dever, III, Code Official

I. CALL TO ORDER

P. Monzione called the meeting to order at 6:07 pm

II. APPROVAL OF AGENDA

There were only two members, P. Monzione and L. LaCourse, present for the meeting, therefore only discussions took place but no resolutions. No approval of agenda.

III. CONTINUED BUSINESS

P. Monzione stated the Committee would continue to reviewing Alton Zoning Ordinance, Working Draft 4.19.16 and proposed amendments to the Accessory Apartment, Personal Wireless Service Facilities and Sign Ordinance sections.

P. Monzione stated the committee was reviewing the Accessory Apartment ordinance because of the change in State Statute that will take effect in June 2017. The new State Statute allows for Accessory Apartments in all Residential zones in the Town and states that Town's cannot force the applicant to build the Accessory Apartment less than 750 sq. ft. Currently the Town does not allow Accessory Apartments in the Lakeshore Residential zone and, where allowed, it cannot be larger by a certain percentage than the primary residence.

N. Strong stated that she had gone through the new State Statute and SB 146 and compared then to the Town's current Zoning Ordinance language. The purpose of the section is completely in line with the statute, the definitions would need some small changes. N. Strong stated suggestions to add to the current definition, Accessory Apartments are allowed within an Accessory structure or attached to the primary dwelling itself because the Town offers those two opportunities now and at the end specify that an Accessory Apartment would not be allowed on a lot that already has more than one dwelling unit. P. Monzione asked if each of these items, the Regulation and the Definition would need to have separate warrant articles. N. Strong stated that the changes could be made as one warrant article. P. Monzione suggested changing title to Accessory Dwelling Unit. N. Strong suggested to also add, an Accessory Dwelling Unit shall not be permitted on any lot with more than

one existing dwelling unit and add sanitation to the definition, in order to stay consistent with the State Statute.

P. Monziona stated his preference would be to allow Accessory Dwelling Units in the Lakeshore Residential Zone by Special Exception and his understanding is the new statute states the Town cannot impose any zoning regulations on that unit that are not already imposed in the district.

J. Dever stated that an applicant must meet the standards for septic design, sanitation will be the key, the Statute states the applicant shall make adequate provisions for water supply and sewage disposal.

The Committee discussed the requirement of the new Statute to have an interior door separating the Accessory Dwelling and the Primary residence. N. Strong asked the Committee if the same requirement should be added to an Accessory Dwelling Unit that would be a detached structure. J. Dever stated the current Regulation was more of a floor level thing, the requirement was if someone was entering through a garage the Accessory Dwelling Unit must be sectioned off.

N. Strong stated the City of Dover has a special application for Accessory Dwelling Units, the application asks for all the information that is required in the Ordinance, there are check off boxes, for people to certify that they are the owners, and one it specifies that the lot/buildings cannot become condominiums. N. Strong asked J. Dever to review the application for his input.

N. Strong stated the Town may want to add a section that states standards to maintain the aesthetics of the area, such as "Shall not change the character or appearance of the primary dwelling". P. Monziona stated he would rather use the words from the State Statute, which states "A municipality may establish standards for Accessory Dwelling Units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single family dwelling".

N. Strong stated the next section of the State Statute refers to size, the statute states the Town can have minimum and maximum size for Accessory Dwelling Units but the Town cannot require them to be less than 750 sq. ft. Currently the Town's Ordinance states the Accessory Dwelling Unit cannot exceed 35% of the primary dwelling unit, if an applicant would like to build an Accessory Dwelling Unit in a home is less than 2,000 sq. ft., the current ordinance would violate the new State Statute by forcing the applicant to build an Accessory Dwelling Unit that was less than 750 sq. ft. P. Monziona stated the 750 sq. ft. language should be added to the current ordinance and asked N. Strong to suggest some language that would be appropriate.

N. Strong stated the Committee may want to consider adding to the current Ordinance language stating the Accessory Dwelling Unit may be considered a unit of Workforce Housing, if it meets all the requirements.

N. Strong reviewed the packet she prepared for the Committee which included a list of items that could be completed with no need for warrant article such as typographical errors, grammatical and punctuation errors, etc.; items that have been discussed at prior ZAC meetings and will not be proposed this year/need no action; items that were discussed at prior ZAC meetings, agreed upon, and will require ballot vote; items that have been discussed at prior ZAC meetings and need further discussion; items that have not yet been discussed at a ZAC meeting and would require ballot vote; substantive sections that require discussion; and, suggested corrections to the Table of Uses.

N. Strong stated the Committee had received a packet regarding Lots in Two or More Zoning Districts. At the July ZAC meeting the Committee was reviewing her memo of May 3, 2016, which included a list of items that had not been tackled from the previous year. #10 on the list was: The Zoning Ordinance currently does not have any provisions to address situations when a lot is bisected by a zoning boundary resulting in parts of the lot lying in two different zones. What governs the minimum lot size requirement, the road frontage requirement, and setbacks if the property is to be built on or subdivided? S. Williams had recalled that there had been action on the ballot in the early 90's to do with this subject. N. Strong researched the previous Zoning Ordinances and found the following: The Zoning Ordinance in 1970 included Section 212, Lots in Two or More Zoning Districts: "Where the boundary line of a zoning district divides a lot in single or joint ownership at the time of passage of this ordinance establishing such boundary line or its subsequent revisions, the regulations for either district may at the option of the owner extend to the entire lot, but in no case shall permitted uses be extended more than two hundred (200) feet into the zoning district prohibiting uses permitted in the other districts". This Section 212 language remained in effect until 1984 when it was changed by successful ballot vote to read: "If a zoning district boundary line divides a lot of record at the time of adoption or amendment to this ordinance, the regulations of the less restrictive district may be applied by the then property owner(s) to the more restrictive portion of the lot for a distance of seventy-five (75) feet". Section 212 was repealed by ballot vote in 1992 and since that time there has been no Zoning Ordinance section that deals with the issue of lots in two or more zoning districts. In 1998 a specific warrant article was successful in changing the zoning Map 32 Lot 43 from being split between the R and RC Zones so that it was wholly within the RC Zone. N. Strong provided some examples of language from various towns' zoning ordinances with regard to lots in more than one zoning district for the Committee's information.

IV. OLD BUSINESS

1. Old Business-
 - None
2. New Business-
 - None
3. Approval of Minutes-
 - **The minutes of July 12, 2016, were not discussed due to lack of quorum.**
5. Any Other Business that may come before the Board
 - None

V. SET DATES FOR FUTURE MEETINGS

- September 13, 2016, at 6pm.

VI. PUBLIC INPUT

Open to the public. None at this time. Closed Public session.

VII. ADJOURNMENT

L. LaCourse moved to adjourn. The motion was seconded by P. Monzione and passed without opposition.

The meeting adjourned at 7:00pm

Respectfully submitted,
Traci Cameron, Recorder, Public Minutes