

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
September 3, 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 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 Monziona, member
Paul LaRochelle, Selectman's Representative/clerk
Tim Morgan, member

Others Present

John Dever, III, Code Enforcement Officer
Mike Hepworth, resident
Tom Varney, Varney Engineering, LLC – via Zoom
Amanda Connolly, Rand Hill Realty – via telephone
Joe Maynard, Benchmark Engineering, via Zoom
Stephanie Richard, P.E., Changing Seasons Engineering, PLLC – via Zoom

CALL TO ORDER

Chair Rich called the meeting to order at 6:00 P.M. (*See Attachment 1*)

INTRODUCTION OF BOARD MEMBERS

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

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.

APPROVAL OF AGENDA

The Board reviewed the Agenda.

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

CONTINUED FROM AUGUST 6, 2020

Case #20-09 Justin Pasay, Esq., of Donahue, Tucker & Ciandella, PLLC & Brad Jones of Jones & Beach Engineers, Agent for Rand Hill Realty, LLC	Mount Major Highway, NH Rte. 11N Map 49 Lots 4, 5 & 5-1	Special Exception Rural (RU) Zone
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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 a request for a continuance was received from the applicant. The Board has the authority to grant a third continuance, and Mr. Dever explained the applicants are in a tough spot, with the Forest Department requires them to move forward and convert the land as part of a complaint/warning which they received. A letter received from Attorney Pasay indicates they have been working on gathering the additional information requested by the ZBA but won't be ready for presentation by the September 2020 meeting and request continuance to the October 2020 meeting. It was confirmed this is the third request for continuance by the applicant. Mr. Morgan stated he is concerned they are getting so far from the initial July public hearing and suggested re-notification of abutters may be appropriate.

Amanda Connolly, Rand Hill Realty, joined the meeting via telephone. Chair Rich asked if Ms. Connolly would agree to re-notify abutters. Ms. Connolly stated they are trying to keep the process moving as quickly as possible; the requests by the Board were in-depth and have required them to reach out to professionals but due to the busy real estate market, have had a hard time getting anyone to come out. Mr. Monziona stated in accordance with the by-laws of the ZBA, the applicant request up to two continuances but allows the Board to use discretion to grant an additional continuance for good cause. He stated it seems the applicant is working diligently to obtain the information and good cause for a third continuance. Mr. Monziona stated it was clear at the July public hearing there were many abutters and members of the public who wanted to provide public input and thinks its in everyone's best interest to re-notify abutters. Ms. Connolly noted the submission deadline is September 21 for the October 1 meeting and she has already been told by their contractors that they can't even start the work until October; she requested a continuance to the November 5 meeting instead. Mr. Monziona concurred with

the continuance being a date they are comfortable with.

Mr. Monziona made a motion to grant a continuance at the request of the applicant to November 5, 2020 on the condition that the applicant will re-notify abutters and publish the public notice.

Mr. LaRochelle seconded the motion. Discussion: Chair Rich asked Ms. Connolly if she is sure everything can be submitted by October 22 for the November hearing as its unlikely the Board will extend this again. Ms. Connolly stated she would not be opposed to continuing to December.

Mr. Monziona amended the motion to grant a continuance on Case Z20-09 at the request of the applicant to the December 3, 2020 Zoning Board of Adjustment meeting, on the condition that the applicant will re-notify abutters and publish the public notice. Mr. LaRochelle seconded the motion. Roll Call: Mr. Monziona – aye; Mr. Morgan – aye; Mr. LaRochelle – aye; Mr. Lee – aye, Chair Rich – aye. Motion passed, 5-0-0.

<p>Case #20-10 Thomas Varney, P.E., Varney Engineering, Agent for Joseph T. Byrne</p>	<p>29 Riverlake Street Map 32 Lot 3</p>	<p>Special Exception Residential (R) Zone</p>
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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.

<p>Case #20-11 Thomas Varney, P.E., Varney Engineering, Agent for Joseph T. Byrne</p>	<p>29 Riverlake Street Map 32 Lot 3</p>	<p>Variance Residential (R) Zone</p>
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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 the applications for Case #20-10 and 20-11 have been withdrawn.

NEW APPLICATIONS

<p>Case #Z20-13 Benchmark Engineering, Inc. c/o Joe Maynard Agent for Patricia M. Harvey Revocable Trust</p>	<p>#18 NH Route 11D Map 50 Lot 11</p>	<p>Special Exception Lakeshore Residential (LR) Zone</p>
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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. It was confirmed some of the information presented would be the same for both Case Z20-13 and Z20-14 and the Board agreed to review the applications together.

<p>Case #Z20-14 Benchmark Engineering, Inc. c/o Joe Maynard Agent for Patricia M. Harvey Revocable Trust</p>	<p>#18 NH Route 11D Map 50 Lot 11</p>	<p>Variance Lakeshore Residential (LR) Zone</p>
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A Variance is requested from Article 300, Section 320 H. (a), and 320 J. (b., c., & d.) of the Zoning Ordinance to permit: H. Expansion of nonconforming structure, and J. Replacement of Nonconforming Structures that are Voluntarily Removed

Mr. Morgan made a motion to accept the applications for Case #Z20-13 and Case #Z20-14 as complete. Mr. LaRochelle 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.

Joe Maynard, Benchmark Engineering, stated the lot is about 12,340 square feet; its accessed through a driveway easement of abutting lots on the north side of the property. He stated there is currently a residential structure which sits directly adjacent to Lake Winnepesaukee and a detached shed; there is a dug well and an older septic system. Mr. Maynard stated they are looking to raze the structure and build a new home. He stated due to the size and depth of the lot, the new home would be moved back to approximately 5' from the high-water mark as this location would allow them to upgrade the septic system and keeps the structure within the setbacks. Mr. Maynard stated a new septic plan has been submitted to NH DES. The dug will be filled in and a drilled well installed and Mr. Maynard stated the nonconformity of the lot will not be increased. Mr. Monzione asked if there are any setbacks to the high-water mark with the current structure; Mr. Maynard stated it touches on one corner. Mr. Maynard stated the structure can't be moved more than 5' back in order to maintain 25% undisturbed as required by NH DES. The proposed structure will remain within the other setbacks. Mr. Monzione stated it would be helpful to have the building envelope on the plans to see the setbacks and to know if the footprint is expanding; Mr. Dever noted the Town's 30' setback is not shown on the plans but is part of defining the building envelope. Mr. Monzione questioned whether a variance may be needed for rebuilding and expansion if its not within the building envelope; and the special exception would be conditional on approval of the variance. Mr. Morgan disagreed, stating if they grant the special exception, the building can be razed and have the option of rebuilding so a condition is not necessary.

Chair Rich asked how much is the increase in building size. Mr. Maynard stated for the new house, 1280 square feet is within the 50' setback; the existing house is 1102 square feet within the 50' setback. In regards to the 30' setback, 809 square feet of the new house is in the setback. The increase in nonconformance in the setback is about 10 square feet. The Board agreed that if the building/deck was reduced by 10 square', it would not be more nonconforming. Mr. Maynard noted that reduction would be about 9" off the deck.

Mr. Lee asked for elaboration on the comments by the Conservation Commission in regards to the pervious pavers on such a large area. Mr. Maynard replied this was in regards to the driveway; they are

using both porous pavers on the driveway and walkways along with a section was created for cars backing out of the garage/parking. He stated the current impervious coverage is 35% but the new application which went through NH DES Shoreline application process, is at 28%. Mr. Maynard stated they added many things to improve drainage and filtering including drip edge and a porous grass area off the driveway.

Mr. LaRochelle asked for a description of the new septic system. Mr. Maynard stated it is a 2-bedroom system; will be a Clean Solution aeration system which does primary breakdown within the septic tank. It will be 50' from the well and 75' from abutting wells. The tank will be sealed and meet all NH DES standards.

Chair Rich opened the hearing to input from the public in favor of the application. None was indicated. Chair Rich opened the hearing to input from anyone in opposition to the special exception being granted. None was indicated. Chair Rich closed the hearing to public input.

Discussion – Case #Z20-13

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

Mr. Lee 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. Morgan stated the specific site **is** an appropriate location for the use. He stated the use is not changing. The Board agreed.

Chair 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 the improvements will enhance the property and improve values. The Board agreed.

Mr. Monziona stated there **is no** valid objection from abutters based on demonstrable fact. No abutters came forward and no letters or communications in opposition were received. The Board agreed.

Mr. LaRochelle 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. The Board agreed.

Mr. Lee stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure. The Board agreed.

Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated this is a substantial upgrade to the property. The Board agreed.

Chair Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan. Mr. Monziona stated his agreement is conditioned on the non-conformance being remedied. The Board agreed.

Mr. Monziona made a motion to grant the application for Special Exception for Case #Z20-13 on the specific condition that the applicant obtain relief from the requirement of 320.J2. And with regard to the encroachment into the 30' high-water mark setback given that the proposed structure is going to increase non-conformity by 10 square feet, and should the requested variance of Z20-14 not be granted, the applicant shall reduce the size of the new structure not to exceed the present encroachment of 800 square feet. 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.**

Mr. Maynard stated the property is residential and will remain so; the proposal is to raze the existing structures and construct a new home further from the lake than what currently exists. Other improvements include drainage, new well and state approved septic system; a NH DES Shoreline Permit has been received. The structure will meet current setback requirements on the sides and front; granting the variance will allow the applicant to construct a new home with improvements which will reduce runoff into the lake and water quality. Other properties in the area have already been developed and improved; literal enforcement of the ordinance will result in hardship to the applicant. The lot is small and half of the property is encumbered with setbacks from the lake, with a limited building envelope. The current septic is closer than 75' from the lake and upgrades to the lot will be to today's standards; the grades of this lot limit options for development. The proposed deck will be 12' out from the house by 20' long. Mr. Morgan suggested if they remove 6" from the width, the nonconformity would be reduced. Mr. Maynard stated he would probably shorten the length to make up the 10 square feet. Mr. Monzione stated it is also good to have the variance for the area outside the building envelope. The Board agreed the variance needs to be applied to the expansion; however, if the total square feet is reduced by 10 square feet, the variance is not needed.

Mr. Maynard stated he would withdraw the variance request; he will modify the plans and resubmit the plans.

<p>Case #Z20-15 Stephanie Richard, P.E., Changing Seasons Engineering, PLLC Agent for Arthur & Julianna Fitzmaurice</p>	<p>20 Cathy Lane Map 40 Lot 32</p>	<p>Variance Lakeshore Residential (LR) Zone</p>
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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 10 ft. of the property line.

Chair Rich read the case into the record. The Board reviewed the application for completeness.

Mr. Lee made a motion to accept the application for Case #Z20-15 as complete. 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.

Stephanie Richard, P.E., Changing Seasons Engineering, PLLC, stated its a ¼ acre lot with 20' of lake frontage. The applicants want to build a 20' by 22' garage between their house and the northwest property line. Ms. Richard stated the garage would be less than 10' from the property line; the lot is unique in that the address is 20 Cathy Lane but the property is accessed by a right-of-way from Archie Lane. The septic system is located underneath the driveway area, limiting where a building can be placed. She stated the proposed plans are not contrary to public interest, noting the lot is pretty far back from the roadways and the garage will be between the house and abutters; a drip line is proposed to infiltrate runoff from the garage. It will benefit the homeowners by providing covered parking but won't affect the look of the neighborhood and no detriment to the public. Mr. Lee asked how many square feet will be in non-conformance. Ms. Richard replied it would be 140 square feet. Mr. Morgan asked the distance between

the proposed garage and the abutter's residence; he stated a reason for setbacks is for fire safety and access. Ms. Richard stated it is about 22' to the neighbor's house. It was noted a fence is located on the boundary line. Mr. Monziona asked how far the garage would be from the property line. Ms. Richard replied 6.2'. Mr. Monziona suggested that if the abutting property were to put up a structure within the setbacks, it would leave a maximum of 16' between the structures. Ms. Richard stated the location of the abutter's house would make that difficult as the house is currently located about 10' from that setback. Chair Rich suggested moving the 20' by 22' structure to the corner of the house to stay within the 10' setback and going closer to the right-of-way. Ms. Richard noted the generator hookup and electric meter will be relocated. Mr. Dever noted it would be a question for the utility company regarding movement of the box. There was discussion how the home is accessed from the right-of-way. Chair Rich asked if the 2' between the house and garage is necessary; Ms. Richard stated the placement was splitting the distance between the property line and existing building; this placement allows easy access to the garage.

Chair Rich opened the hearing to input from the public in favor of the application. None was indicated. Chair Rich opened the hearing to input from anyone in opposition to the variance being granted. None was indicated. Chair Rich closed the hearing to public input.

Discussion Case #Z20-15

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

Mr. Morgan stated the variance ***would not*** be contrary to the public interest, but he thinks it is a close call. Chair Rich stated he thinks its contrary to the public interest as there is a safety issue; he suggested the 2.5' could make it condusive to safety in regards to encroachment on the property line. Mr. Monziona stated he thinks it would be contrary to the public interest as its too tight on both sides; he doesn't see how either building could be maintained and it poses maintenance and safety issues for access by a firetruck and firefighters. He is also concerned about a structure being placed on the abutting property and being only 12' apart. Mr. LaRochelle disagreed and stated he doesn't think it would be contrary; they have allowed building this close to property lines before and believes vehicles will still be able to get through; he is concerned about the electricity being where it is currently but that can be moved. He suggested that be a condition to have it moved for easy access. Mr. Lee stated he has the safety concerns as well but there is no party against this, including the abutter so it would not be contrary to the public interest.

Chair Rich stated the request ***is not*** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He stated he has the same health and safety concerns. Mr. Monziona agreed, noting its too tight. Mr. LaRochelle stated he disagrees and believes it is in harmony with the ordinance; they have granted similar situations in the past for tight lots and allowed for a structure to be close to the property lines. Mr. Lee and Mr. Morgan agreed with Mr. LaRochelle.

Mr. Monziona stated that by granting the variance, substantial justice ***will not be*** done. He stated granting the variance would be contrary to the purposes of the ordinance. Mr. LaRochelle disagreed stated he believes substantial justice would be done by granting the variance. Mr. Lee stated he doesn't see any detriment to the public. Mr. Morgan stated its a case whether the benefit to the applicant outweighs the detriment to the public, and believes it does do substantial justice. Chair Rich stated he agrees that in granting the variance substantial justice will not be done.

Mr. LaRochelle stated the values of surrounding properties will not diminish the values of surrounding properties. He stated there is no factual evidence to indicate property values would be diminished and no one has come forward with comments contrary, no abutters are objecting. Mr. Lee, Mr. Monziona and Mr. Morgan agreed. Chair Rich disagreed stating they don't know what someone would do on the other property in the future and could diminish the value to abutting properties.

Mr. Lee stated that for the purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- ii. The proposed use is a reasonable one.

Chair Rich stated he doesn't think that this use is reasonable; it could be modified to be more conforming. Mr. Monziona stated this is a property where this ordinance should specifically be applied and enforced because of the location of the house and being so close to the abutting property and doesn't believe a fair and substantial relationship exists; he stated he does agree the proposed use is reasonable.

Mr. Morgan made a motion to grant the variance for Case #Z20-15. Mr. LaRochelle seconded the motion. Roll Call: Mr. Monziona – no; Mr. LaRochelle – aye; Mr. Morgan – aye; Mr. Lee – aye, Chair Rich – no. Motion passed, 3-2-0.

Case #Z20-16 Thomas Varney, P.E., Varney Engineering, Agent for Karen O'Brien & Donald Lacroix, Trustees	53 Riverlake St. Map 32 Lot 26	Variance Residential (R) Zone
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A Variance is requested from Article 300, Section 320 H. (a) of The Zoning Ordinance to permit an addition of a deck to a nonconforming structure.

Chair Rich noted it is before 9:00pm but after 10:00pm they don't start a new case; he suggested with these two cases being for the same applicant, it won't be a problem. The Board concurred. There were no objections to reviewing the applications together.

Case #Z20-17 Thomas Varney, P.E., Varney Engineering, Agent for Karen O'Brien & Donald Lacroix, Trustees	53 Riverlake St. Map 32 Lot 26	Variance Residential (R) Zone
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A Variance is requested from Article 300, Section 327 A. (1) of The Zoning Ordinance to permit the addition of a deck within the 30ft. waterfront setback.

Chair Rich read the cases into the record. The Board reviewed the applications for completeness.

Mr. LaRochelle made a motion to accept the application for Case #Z20-16 and Z#20-17 as complete. 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.

Tom Varney, Varney Engineering, LLC, stated this property located on Riverlake Street, has been owned by the applicants for 20 years; they would like to add a 20' deck to the waterfront side of the house. There is currently no deck, patio or porch on the property. The deck will be off the main floor with a porous patio installed underneath; the property is being environmentally upgraded for stormwater measures with a new septic system and rebuilding of a failed retaining wall. A NH DES Shoreline permit and septic design are pending. Mr. Varney stated the deck would encroach on the 30' setback; one corner will be 20' from the water and the other corner 25' from the water. The total square feet in the encroachment is 156 square feet; the rest of the deck is within the building envelope. He stated the deck will allow the property owners to enjoy the waterfront and most properties on the lake have a deck or porch. Mr. Varney stated pavement will be removed and replaced with porous pavers and drip edge will be installed; the lot coverage is currently 57% but the improvements will stop the water from going into the river; areas of bare soil will be planted with shrubs. The retaining wall is being repaired under a Wetlands Permit. Mr. Varney stated it is going to be a deck with a railing; it cannot be converted to living space per town and state rules; there will be no roof.

Mr. Lee noted the Conservation Commission had concerns regarding the porous pavers however Mr. Varney has clearly identified where asphalt will be torn up and replaced with more porous material and infiltration system. It was confirmed the area of encroachment is 160 square feet.

Chair Rich opened the hearing to input from the public in favor of the application. None was indicated. Chair Rich opened the hearing to input from anyone in opposition to the variance being granted. None was indicated. Chair Rich closed the hearing to public input.

Discussion Case #Z20-16

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

Mr. Monziona stated the variance **would not** be contrary to the public interest. The deck will have very little if any impact on the surrounding properties and there will be other substantial improvements going on as well. The Board agreed.

Mr. LaRochelle stated the request **is** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. He stated this is common on lake or riverfront properties and decks are an allowed use. The Board agreed.

Mr. Lee stated that by granting the variance, substantial justice **will be** done. The Board agreed.

Mr. Morgan stated the values of surrounding properties **will not** diminish the values of surrounding properties. He stated there is no factual evidence to indicate property values would be diminished and no one has come forward with comments contrary, no abutters are objecting. The Board agreed.

Chair Rich stated that for the purposes of this subparagraph, “*unnecessary hardship*” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- iii. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- iv. *The proposed use is a reasonable one.*

Chair Rich stated the hardship is the space the small lot has and there is much is being done to improve the property; no substantial relationship exists and the proposed use is a reasonable one. The Board agreed.

Mr. Monziona made a motion to grant the variance for Case #Z20-16 on the condition that the applicant also obtain appropriate approvals from the State of New Hampshire. Mr. LaRochelle 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.

Discussion Case #Z20-17

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

Mr. Larochelle stated the variance **would not** be contrary to the public interest. The deck is small and similar to surrounding properties on the river side. The Board agreed.

Mr. Lee stated the request **is** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. The deck is similar to those of other properties. The Board agreed.

Mr. Morgan stated that by granting the variance, substantial justice **will be** done. The benefit to the applicant far outweighs the detriment to the public. The Board agreed.

Chair Rich stated the values of surrounding properties **will not** diminish the values of surrounding properties. He stated there is no factual evidence to indicate property values would be diminished and no one has come forward with comments contrary, no abutters are objecting. There are decks on many other homes in the area and other improvements are being made which include water runoff into the river. The Board agreed.

Mr. Monziona stated that for the purposes of this subparagraph, “*unnecessary hardship*” means that, *owing to special conditions of the property that distinguish it from other properties in the area:*

- v. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- vi. *The proposed use is a reasonable one.*

Mr. Monziona stated no substantial relationship exists and the proposed use is a reasonable one. The Board agreed.

Mr. Monziona made a motion to grant the variance for Case #Z20-17 on the condition that the applicant also obtain appropriate approvals from the State of New Hampshire and Department of Environmental Services. Mr. LaRochelle 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:
2. New Business:

- a) Discussion on application dated September 1, 2020, from Mike Hepworth, who is interested in sitting on the Zoning Board as an Alternate. Mr. Monziona stated its important for alternates attend meetings as well as they never know when a member is going to need to recuse from a case.

3. Approval of Minutes:

Meeting of August 6, 2020 – **Mr. LaRochelle made a motion to approve the minutes as presented. Mr. Monziona 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.**

ADJOURN

Mr. Monziona made a motion to adjourn. 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.

The meeting was adjourned at 10:30pm.

Respectfully Submitted,

Jennifer L. Riel

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.

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.

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, October 1, 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 Zoning 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.