

Members Present

Paul Monziona, Chairman – excused absence
Frank Rich, Vice-Chair
Tim Morgan, Member
Paul LaRochelle, Selectman’s Representative/Clerk
Thomas Lee, Member

Others Present

John Dever, III, Code Enforcement Officer
Jennifer Riel, Recording Secretary

CALL TO ORDER

Frank Rich, Vice-Chair, called the meeting to order at 6:03pm.

APPOINTMENT OF ALTERNATES

Mr. Rich stated no appointment of a member is necessary as there is a quorum of four members, although an appointment would be made if there were only three members present or offer applicants the option of postponing the public hearing until there is a quorum of the Board 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

John Dever, III, Code Enforcement Officer amended the Agenda so Case # Z19-18 would not be heard tonight.

Mr. Morgan made a motion to amend the agenda. Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.

NEW APPLICATIONS

Case #Z19-17 Bruce Campagna of Contemporary & Adirondack Exquisite Home Builders, LLC, Owner	134 Smith Point Rd. Map 64, Lot 14	Special Exception Lakeshore Residential (LR) Zone
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A Special Exception is requested from **Article 300, section 320 J.** of the Zoning Ordinance to permit a deck to partially encroach into the 30' shoreline setback, which replaces a deck on an existing house that presently encroaches.

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

Bruce Campagna, owner of Contemporary and Adirondack Exquisite Home Builders, LLC, came forward to present the case.

Mr. Morgan made a motion to accept the application as complete. Mr. Rich seconded the motion. Motion passed, 4-0-0.

Mr. Campagna explained that C&A Exquisite Home Builders has been building homes exclusively on Lake Winnepesaukee waterfront for the last 14 years and he purchased a property with an older cottage where the cottage and deck are both within the setbacks as well as side setbacks. He stated he designed a new house, with approval from the State of NH, and plans to remove the cottage and replace it with a house which will be outside the front and side setbacks with a portion of the deck remaining within the setback. The house cannot be moved any further back as there is a garage. NH DES has already approved a new septic design which moves it further from the lake as well and the impervious coverage of the lot was 35% and has been reduced to 31%. Mr. Campagna stated that per NH DES, he has made a non-conforming lot, more conforming. He explained all the houses they build incorporate storm water management systems utilizing drywells, perimeter drains and gutters draining directly into the ground perimeter drains. He stated he is requesting the exception as the house cannot be pushed any further back and remains within the setback.

Mr. LaRochelle asked how many square feet of less conformance it would be. Mr. Campagna replied the plans are more conforming; the house and deck are in the setback and he wants to pull the house out with only a portion of the deck within, about 520 square feet into the setback. It is currently about 720 square feet; the entire lot coverage will be reduced from 35% to 31% as a portion of the driveway is being removed.

Joan Varney, 138 Smith Point Road, abutter, stated she has a few questions. She asked how far are the new structures going to be from the property lines. Mr. Campagna replied he is required to keep 10' on each side with a 35' setback from the road. The exception request is for the shoreline setback which is currently located at 14' and will be moving back to 19'. The new house will be 12' away from the right side setback and 18' from the left side setback. Ms. Varney asked how accurate do drawings have to be in regards to the trees depicted. Mr. Campagna replied anything about a 1" diameter is indicated by the surveyors. Ms. Varney asked if any more trees would be coming down on her side. Mr. Campagna replied they will not. Ms. Varney stated she is concerned with more trees coming down and contributing to runoff as she had issues when the road was paved with runoff increasing and doesn't want to have more. Mr. Campagna stated the State of NH is

very restrictive with how they can do the construction, during the process and after completion and explained the drainage measures including drains, gutters, drip edges and perimeter drains. Ms. Varney asked if any of the large boulders would be blasted and cause damage to her foundation. Mr. Campagna stated they are not planning on any ledge issues and she will be notified if any blasting was needed. He explained in the past they used Maine Drilling and Blasting who will notify everyone in the area and also provide video recording of the process. He stated if need be, they can drill into ledge for pinning. Ms. Varney stated she is also concerned about her old septic system and any major vibration causing issues, as the 30 gallon tank is right outside her door with old piping. Mr. Campagna stated they sometimes use boulders for retention purposes. Ms. Varney stated if something happened to her 30 gallon tank, does she have to move her system or just replace the tank. John Dever, III, Code Enforcement Officer, stated the biggest issue is if the leach field is damaged but if it's just the tank, it can be replaced.

Bob Moore, 140 Smith Point Road, abutter, stated he would like to see some plans before it all starts, he knows the deck encroaches on his property but he is fine with that however he wants to make sure everyone knows there is already a problem with water runoff which is currently under control. He explained the runoff comes down off the road on to their property and questioned the impervious ground coverage. Mr. Campagna replied the driveway is being reduced by 3/4s so even though the house is larger, there will be less runoff by the driveway reduction. Mr. Moore wants to be sure all the water from Mr. Campagna's property, stays off of his property. Mr. Rich stated it appears from the plans that the impervious coverage has been increased. Mr. Dever replied it is his understanding that the total impervious surfaces has been reduced. Mr. Campagna noted impervious is areas where water cannot soak into the ground and there are specific requirements, which is 25 to 27% now but this property is grandfathered in to allow for more. The gravel driveway is impervious and is being reduced thereby reducing the overall impervious surface. Mr. Morgan confirmed the deck encroachment is on Mr. Moore's property. Mr. Moore replied that is correct but with the new house it will be moved back and he is mainly concerned about where the water is going to go.

Mr. Rich asked if there was any more public input regarding this application. None was indicated.

Mr. Rich closed public input at 6:30pm.

It was confirmed there were no conditions on the NH DES approval.

Discussion:

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

Mr. Morgan stated that a plat/plan **has** been submitted in accordance with the Zoning Ordinance, Section 520B and a recommendation has been made. The Board agreed.

Mr. Lee stated the specific site is an appropriate location for the use. Mr. Morgan noted the use is not changing, but it is being made less non-conforming. The Board agreed.

Mr. LaRochelle stated that actual evidence is not found that the property values in the district will be reduced due to incompatible land uses. He stated this has not been the case. Vice-Chair Rich stated it may increase the property values by improving the setbacks and the improved building. The Board agreed.

Mr. Rich stated there is no valid objection from abutters based on demonstrable fact. He stated questions were asked and answers were provided. Mr. Morgan stated the abutters had valid questions and believes those questions were appropriately answered with the NH DES approvals and review of the application. The Board agreed.

Mr. Morgan 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. LaRochelle stated there is adequate area for safe and sanitary sewage disposal and water supply. Mr. Rich stated with the improved sanitation system it will only improve the area in terms of the water supply and disposal of sewage. The Board agreed.

Mr. Rich stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. Mr. Rich stated this Board is semi-judicial and in the spirit of the ordinances they look at, the application is consistent with the Master Plan in trying to improve the properties in these tight and confined areas, at the same time making sure that the neighbors and affected areas are protected. Mr. Morgan stated this proposal is very consistent with the spirit of the ordinance and the warrant article that was approved by the Town a couple years ago. The Board agreed.

**Mr. Morgan made a motion to approve the application for Case #19-17 as proposed.
Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.**

The Public Hearing was closed at 6:37pm.

<u>Case #Z19-19</u> Steve Perkins of Cragin Point, LLC, owner	30 Cragin Road Map 49, Lot 25	Special Exception Lakeshore Residential (LR) Zone
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A Special Exception is requested from **Article 300 Section 320 G and H.c.** of the Zoning Ordinance to permit the modification of an existing 20 x 25' seasonal cottage by raising roofline and changing interior layout plan within existing footprint.

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

Steve Perkins, Cragin Point LLC, owner came forward to present the case.

Mr. Lee made a motion to accept the application for Case #Z19-19 as complete. Mr. Morgan seconded the motion. Motion passed, 4-0-0.

Mr. Perkins stated this is one of four seasonal cottages on a lake property owned by his family and the cottage was acquired two years ago from another family who owned the cottage on their property. The lot is a 1.3 acre lot adjoined with another 15 acre lot. He stated the cottage was in quite a bit of decay and they are rebuilding it to improve the structure and in doing so will be changing the roofline and the interior floor plan and location of windows. The Board reviewed the application and plans presented. Mr. Perkins also presented a survey showing the cottage is approximately 25' from the waterline with a bout 20% of the cottage within the setback. It is a seasonal cottage, uses town water but has a private septic shared with the other cottages. Mr. Morgan confirmed that the cottage on the 11x17 map presented, shows both the 30' and 50' setbacks running through it. Mr. Rich asked how much of an encroachment it would be on the side setback. Mr. Perkins replied it is part of the kitchen and is approximately 5' x 7' so about 35 square feet. Mr. Morgan asked if anything will be done to improve the septic system. Mr. Perkins stated the cottage has been dormant for about two years, it shares a septic with the cottage that is just up from it and there are no plans to do anything to the septic. Mr. Morgan asked if any of these changes required upgrades to the septic. Mr. Dever replied that initially the plans included expansion of the footprint for a bathroom and that would have triggered a replacement of the septic but that has since been removed. Mr. Rich confirmed the number of bedrooms will remain the same. Mr. Perkins stated pictures were included in the application, which show the original gable hip roof of the cottage. Mr. Lee confirmed some of the work has already been completed. Mr. Perkins replied it has and he has been working with Mr. Dever to make plans to move forward with the project. He stated he wants to get approval to close it up as it's currently all exposed. Mr. LaRochelle noted the porch was enclosed. The Board reviewed pictures of the cottage prior to the work, and the work done before a permit was obtained. Mr. Lee noted the front was a screen porch and Mr. Perkins explained it was enclosed and the kitchen was going to be put in there. Mr. LaRochelle confirmed Mr. Perkins started the work before talking to the State of New Hampshire Department of Environmental Services or the Building Inspector and Mr. Perkins replied that was correct. Mr. Perkins stated he talked with the State of New Hampshire DES about a shoreline permit and was advised to get approval from the Town to restart the work. Mr. LaRochelle asked if he is a contractor or has a contractor doing the work. Mr. Perkins replied his brother was many years ago but they don't have a contractor and are doing the work themselves. Mr. LaRochelle asked how high the roofline will be now. Mr. Perkins replied it was about 13' and will now be 18'. The screen porch will remain with the kitchen wrapping into the cottage. Mr. Perkins stated all the footings were replaced; the framing of the porch was replaced from 2x4s. Mr. Rich stated a letter was received from NH DES which outlines the steps to take to

correct with the following actions and asked if those were done. Mr. Perkins replied those were not done but replied to NH DES with what they would be doing but he doesn't want to do any more until it's approved by the Town of Alton ZBA. Mr. Rich confirmed that if the Board approves what he is requesting tonight, Mr. Perkins will still need to go before the State of NH DES as well. Mr. Perkins stated he will need to outline the steps taken and provide photographs showing compliance with what is being requested to be corrected by NH DES. Mr. LaRochelle asked why Mr. Perkins didn't contact the Building Inspector/Code Enforcement Officer. Mr. Perkins replied it started as a structure repair and they quickly got in over their heads. Mr. Morgan asked if raising the roofline will impact anyone else's view of the lake. Mr. Perkins replied that the land behind the cottage goes up a hill and there are no cottages directly behind it. Mr. Morgan confirmed the piece of property that belongs to Steve and Jeffrey Perkins to the west of this, no structure there would be impacted. Mr. Perkins replied no; he explained the layout of the cottages and no sights will be impacted. Mr. LaRochelle asked Mr. Dever if he is satisfied with the quality of the work done to this point. Mr. Dever replied that he has not done a formal inspection but it appears to have been done solidly. Mr. LaRochelle confirmed the framing was done correctly. Mr. Dever replied yes; they were able to use the existing deck and posts and braces were added underneath. He stated the original footprint was 20' wide and 25' long and that has not changed although the screened porch was removed and rebuilt with new framing and posts. Mr. Perkins stated an environmental improvement they made was in regards to the use of the old well as a dry well for the kitchen and sink. Mr. Lee confirmed that in order for the project to continue, they will need to meet the criteria outlined by NH DES. Mr. Rich asked Mr. Dever if Mr. Perkins has complied with all of his requests regarding cease and desist. Mr. Dever replied he has and is comfortable that everything is now being done the appropriate way. Mr. Rich stated that if an approval were granted, compliance with the NH DES criteria would be a condition of the approval.

Mr. Rich asked if there was any input from the public. None was indicated. Mr. Rich closed the Public Input.

Mr. Morgan noted a letter was received from abutter Patrick McHarg was submitted, indicating he has no issues with the application.

Mr. LaRochelle asked if the Conservation Commission has been notified of the case and discussion of not enough information. Mr. Dever stated he discussed the case with them and after answering their questions, the Commission was satisfied.

Discussion:

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 Zoning Ordinance, Section 520B and a recommendation has been made. The Board agreed.

Mr. LaRochelle stated the specific site is an appropriate location for the use. Mr. LaRochelle noted the use is not changing, but is a reconstruction of an existing structure. 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 it may increase the property values by improving the structure. The Board agreed.

Mr. Morgan stated there is no valid objection from abutters based on demonstrable fact. The only input from an abutter was a note indicating approval. The Board agreed.

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

Mr. Rich stated there is adequate area for safe and sanitary sewage disposal and water supply. Mr. Rich stated with the applicant indicated the system will improve the area in terms of the water supply and disposal of sewage. The Board agreed.

Mr. Morgan stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. Mr. Rich stated he agrees with the condition that this Board will accept the approval under the condition that the criteria of the NH DES is met and the Town Code Enforcement Officer accepts what needs to be done with the conditions set by NH DES. The Board agreed.

Mr. Morgan made a motion to approve the application for Case #19-14 with the requirement that the applicant comply with the NH DES requirements currently set forth and any that may be established in the future together with the Town requirements through Mr. Dever, Code Enforcement Officer. Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.

The Public Hearing was closed at 7:04pm.

OTHER BUSINESS

Announcement

Mr. Dever announced that the Planning Department secretary, Jessica A. Call, is now the Town Planner. They will be looking to hire a secretary. The Board offered their congratulations to Ms. Call.

APPROVAL OF MINUTES

**TOWN OF ALTON – ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES 2019
SEPTEMBER 5, 2019**

APPROVED

Meeting of August 1, 2019 – Mr. Morgan noted that on page 3 of 6, 6th line down, “like” should be “likely”. **Mr. LaRochelle made a motion to approve the minutes as amended. Mr. Morgan seconded the motion. Motion passed, 4-0-0.**

ADJOURN

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

The meeting was adjourned at 7:07pm

Respectfully Submitted,

Jennifer Riel, Recording Secretary

Minutes approved as amended: November 7, 2019