

**TOWN OF ALTON  
ZONING AMENDMENT COMMITTEE  
MINUTES OF 2018-2019  
SEPTEMBER 11, 2018**

Members Present: Paul Larochelle  
Scott Williams  
Tom Hoopes  
Dave Hussey

Others Present: Nic Strong, Town Planner  
John Dever, III, Code Official  
Loring Carr

Scott Williams called the meeting to order at 6:00 p.m. +/-

Loring Carr asked if there was an agenda for the public. Nic Strong noted that there was no agenda. Loring Carr went on to say that he thought the committee was made up of Selectmen, ZBA and Planning Board. Scott Williams stated that there was one Selectmen's rep, two from the ZBA and two from Planning. Loring Carr said that was not the way it was set up; it was set up with two representatives from each board. Nic Strong stated that the first year she started working in Alton she asked what the ZAC's rules were and discovered that there weren't any; since she started the ZAC had been a Selectman, two planning and two ZBA so that was all she knew. She further noted that there were no bylaws, there was no quorum, etc., and when she had mentioned that in 2016, none of the ZAC members were interested in establishing any bylaws. Tom Hoopes stated that minutes were produced of the meetings so the Selectmen's rep would be able to be informed from the minutes of anything that was discussed. John Dever noted that the ZAC members would vote on any proposals that were determined would be moved ahead for presentation to the Planning Board for inclusion on the ballot.

Loring Carr stated that the Selectmen's rep should be present. Dave Hussey asked if Loring Carr was suggesting that the meeting should not take place because the Selectmen's rep was absent. Loring Carr said that ZAC was set up in the first place so the Selectmen could enforce the decisions of the Planning Board and the ZBA. And the Planning Board have to enforce it and the ZBA has to enforce the Planning Board and take in their consideration which was why the three boards were involved and now one of the three was missing. John Dever asked if Loring Carr thought the ZAC couldn't move forward this evening. Loring Carr did not think they could. John Dever stated that the ZAC was not going to make any decisions tonight on anything that would go to the Planning Board in January. He noted that if members of the committee were absent they could be informed about what was discussed tonight and if they had an objection or more input to add that would be done at a future meeting. He noted if members were unable to physically be at the meeting there was no reason the rest of the committee couldn't start the discussion. Scott Williams noted that the evening's discussion would establish an outline for the committee's discussions this year.

The ZAC Committee invited Loring Carr to sit at the table. Loring Carr stated that he had watched the videos of the last two Planning Board meetings. He noted that at the meeting before last Dave Hussey was asked by the Planning Board to give a sketch on a napkin of the parking at the Legion. Loring Carr went on to say that at the last meeting Dave Hussey had come in with a pretty good drawing and then it started with ten or 12 questions about things that weren't on the plan. Loring

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Carr thought it was very frustrating for Dave Hussey and the group in the audience to go from a napkin sketch to being asked for all the other items on top of that. John Dever stated that none of that had anything to do with the ZAC Committee or zoning. Loring Carr next stated that he noticed that one person had to go through the process of having the plans accepted first before discussion but the next person came up and discussion started right away. He stated that people were very frustrated. He thought that there was the need for a Planning Board/citizen's bill of rights that spells out exactly what the process was for the people. Loring Carr stated there was also a lot of discussion about parking on Route 28 but that had nothing to do with the Planning Board whatsoever because it was not their authority. He said that the Planning Board could not tell people they couldn't park on Route 28 as long as they were over the white line.

Tom Hoopes stated that the Zoning Ordinance, Site Plan Review Regulations and so on included the processes for what was required and what was not necessary. Loring Carr stated that when the Planning Board flip flopped from one meeting to the next it was frustrating and unfair. Tom Hoopes stated that at a meeting where an applicant was there for the first time the application had to be accepted. Loring Carr asked if Tom Hoopes thought that asking for a napkin sketch and then asking 12 questions was fair to the applicant. John Dever pointed out that this was not the right meeting to be asking these questions; they should be asked at a Planning Board meeting because they had nothing to do with the ZAC. Loring Carr disagreed, stating that the ZAC were advising what should be done for zoning and this could be one of them; ZAC could advise that there was a set of rules that was going to be followed for the public. Scott Williams told Loring Carr that this discussion should happen at a Planning Board meeting and welcomed him to attend one to voice his concerns.

Loring Carr next stated that there was going to be a petition article to rescind the change to the zoning for the Lakeshore Residential District frontage that was done last year reducing the frontage from 150' to 75'. He asked the ZAC to consider that as one of the items to be discussed in the group and advise the zoning to support that. Loring Carr stated that the public did not really want to see a lot that was 300' wide with a house on it become four lots 75' wide. He thought that change was a mistake and that ZAC ought to recognize it and think of the septic loading that would be put on the lake and the number of people. Tom Hoopes stated that it only required 30' of frontage on the other side of the road. Loring Carr stated it was a mistake. Tom Hoopes thought that the 30' was a mistake. Scott Williams stated that was done a long time ago. Tom Hoopes agreed, noting that was in 1968. He asked if Loring Carr wanted to go back and debate that. Loring Carr stated that if it was a mistake back then why did the ZAC do it again last year? Tom Hoopes stated that if the property on the other side of the road from the lake was paying the exact same tax rate as someone with lakeshore frontage it was a totally unfair usage of the land to have one require 150' frontage and the other 30'. Nic Strong pointed out that the 30' was increased to 50' last year.

John Dever pointed out that there was land zoned Lakeshore Residential that was nowhere near the lake. Loring Carr asked how long the requirement had been in the ordinance at 150'? John Dever stated that just because it was that way didn't mean it had to always be that way. He noted that ZAC was trying to make the zoning more equitable between the residential zones. Loring Carr again stated that it was a mistake. Tom Hoopes commented that he was entitled to his own opinion and that ZAC spent a lot of time working on that last year to which Loring Carr stated the committee

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only spent about 12 minutes discussing that topic. Tom Hoopes disagreed. John Dever stated that the ZAC was present to do something productive and he would like to get down to the business at hand. Dave Hussey stated that as far as residential was concerned he agreed that the lake was the jewel of Alton and there would be more loading on the lake by allowing 50' on the lake. Scott Williams pointed out that the minimum lot size of 30,000 s.f. was still the same. John Dever explained that the lakeshore lots required 50' of road frontage and non-lakefront lots in that district required 75'. Tom Hoopes pointed out that the 75' frontage requirement might require the lot to be larger than 30,000 s.f. to meet the lot ratio standards in the Subdivision Regulations. Dave Hussey stated that he did not realize that the lot size had been unaffected by the change. Tom Hoopes thought that many people did not understand what the proposal really was and pointed out that it had been inequitable between pieces of land on either side of the same street.

Nic Strong stated that the memo before the committee was a combination of things that had cropped up with the Zoning Ordinance over the last year. She noted that the first one on the list was to do with non-conforming uses, structures and lots. John Dever asked to postpone the discussion on this item until the end.

The next item was off premises signs. An issue had come up with a sign for a business that was not in Alton but was put on the side of a structure on Main Street. The questions were whether or not to restrict these type of signs to Alton businesses only and whether they should be directional, or include a phone number or website. Scott Williams pointed out that Main Street was a scenic byway with a prohibition on offsite signage. It was noted that this was not a regular problem. Paul Laroche thought it should be up to the owner of the property to decide what kind of signs they wanted to allow. There was a brief discussion about billboards which was not the type of sign that was at issue here. John Dever recalled the situation where a sign for a business was proposed to be placed on a building but the business was not on that property. The proposed sign met the size requirements. Scott Williams asked John Dever to see what other towns do with this issue and bring it back to the next meeting.

The next issue was to do with animated signs. John Dever explained that he had found the answer to the question he had and this no longer needed discussion.

The next item was a conflict between the number of dwelling units allowed in the Zoning Ordinance for multi-family dwelling and condominiums. Nic Strong noted that the condominium section only allowed for a maximum of four units per building for all multi-family structures but in the Residential Rural district multi-family allowed for five units in order to comply with the Workforce Housing Act. In addition the definition of multi-family was "A residential building designed for or occupied by three or more families on a single lot.". John Dever noted that the suggestion was to allow condos to have no more than five units to make it the same as multi-family. The town should not restrict condos to a lesser number just because it was a different type of ownership. Those present thought it was a good idea to allow the same number of units in condos as in multi-family and suggested it be discussed by the full committee at the next meeting.

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The next issue was short term rentals. Nic Strong noted that she was not expecting this to be resolved by the Town of Alton but noted that it was a hot topic not just locally but nationwide. She noted that there were issues with properties being rented out by the night and the concerns with regard to septic, parking, garbage, noise, and so on. She further noted that there was no current state legislation or model ordinances being suggested to assist with this and the question was coming up on the planning listserv on a regular basis. Scott Williams thought that the only area that the town could potentially deal with currently would be septic loading on the property. John Dever noted that there was currently a state definition of Vacation Rental By Owner and many property owners on the lake rented their houses for a week or more but the Town's Zoning Ordinance did not permit it in certain zones. Enforcement of this was noted to be a very difficult thing to handle. John Dever noted that the economic effects were considerable because he knew of some of the homes on lake that rented for \$20k a week. He noted that AirBnB and other short term rental sites brought this to light but it was already happening in Alton. He noted that anything under 180 days was considered a short term rental. It was noted that not all rentals were declaring the 9% state rooms and meals tax. Tom Hoopes thought maybe having a functional definition of short term rental might be worthwhile, whether it allowed rentals by the month or the week or whatever time frame. Scott Williams and Paul Laroche thought it would be impossible to police. Nic Strong noted that the issue for Alton was the neighbors who were unhappy with trash build up or parking issues and who were worried about the septic system when the property was a two bedroom property but 14 people were renting it. John Dever noted that he had not received a lot of complaints but thought it would continue to grow. The committee determined that this need to be resolved at a higher level than the town and the town should keep an eye on any new developments in this area.

The next issue was stormwater management. Nic Strong noted that anyone with an application for Site Plan or Subdivision had to deal with stormwater management during that application process. Construction that did not have to come to the Planning Board for approval was handled separately and John Dever suggested adding language to the Zoning Ordinance to specify that one property owner could not change the flow of stormwater from their property onto neighboring lots because that was not currently spelled out. John Dever noted that the Town's Stormwater Management regulations were written to address one and two family homes. He noted that he was finding issues with people redirecting flow onto other people's property. John Dever stated he had spent time looking into this and spoke with NHDES and there was no ordinance, regulation or law, state, federal or local, that prevents one property owner from digging a ditch and dumping water on someone else's land. Scott Williams pointed out that sometimes the problem was concentrating flow to a specific point rather than letting it sheet flow. John Dever noted that sometimes things were done unintentionally. He noted that the Town had a Stormwater Management handbook for homeowners but there was no language in a document that prohibited the practice of diverting water onto someone else's land. Scott Williams noted that there was the potential for someone disturbing enough land that would require an Alteration of Terrain Permit from NHDES. John Dever was asking if the ZAC wanted to address this. The committee members thought there should be some language to address the matter as far as residential properties were concerned. Loring Carr commented that regulating to catch the bad guys was one thing but pretty soon no one would be able to own a

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shovel. The committee stated that they wanted to stop people from concentrating flow onto someone else's property. Loring Carr cautioned that there should not be a regulation that would not allow someone to address an issue with water on their property at all. He said that just because one person does something wrong it shouldn't mean that everyone else gets penalized for it. The committee agreed. Loring Carr stated it was impossible to say anything because there was no language to look at. John Dever noted that the language would be drafted for everyone to look at. The committee thought this should be addressed and at the next meeting wanted to see suggested language.

Nic Strong next noted that the Planning Board recently had an application in the Residential Rural District for a development of multiple duplexes. She noted that her initial reaction was that this would not be permitted because she had never seen it allowed in other towns. Nic Strong noted that her research indicated that up until 2009 the Zoning Ordinance clearly stated that only one duplex or multi-family dwelling was allowed per lot. In 2010 the ordinance was changed to permit multiple duplexes or multi-family dwellings on a single lot in the Residential Rural District. Nic Strong pointed out that the Residential Commercial District was the only other district that permitted multi-family dwellings as well as duplexes but does not permit multiple buildings on one lot. The Residential District allows duplexes but not multiple duplexes on one lot. Nic Strong went on to say that the other factor was that the Site Plan Review Regulations do not cover duplexes. It therefore transpired that the application did not need site plan review. She noted that if the Zoning Ordinance stayed the same to allow multiple duplexes on one lot in the RR district then the Site Plan Regulations needed to be updated to require a site plan for that multiple duplexes because there was really no difference between multiple duplexes and a multi-family development.

Nic Strong stated that the question before ZAC was, is it still okay to allow multiple duplexes and multiple multi-family dwellings on single lots in the Residential Rural district. Scott Williams did not know what was wrong with it. He noted that the Fire Department would have input into the separation between buildings. He noted further that Alton has a terrible rental housing shortage so he wanted to use caution in anything that could take rental units away from the market. Paul Larochelle stated that this was regulated by the size of the lot required for the number of units. Discussion took place regarding the construction of multiple duplexes on one lot and the comparison with multiple units in a multi-family development and the need for site plan, also the timing of the development and potentially putting up one duplex and then coming back at some point for many more duplexes on the same lot. Nic Strong pointed out that the issue of requiring site plan review for multiple duplexes was a Planning Board issue to deal with. The only question before ZAC was, was it okay in the RR to permit multiple duplexes and multi-family dwellings on one lot when that was not permitted in other districts that permitted duplexes and multi-family dwellings. Scott Williams asked what was permitted in the Rural District. Nic Strong stated that the Rural District did not permit duplexes or multi-family. Both Scott Williams and Paul Larochelle stated that the Rural should permit duplexes because the minimum lot size provided ample room for them.

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It was confirmed that the ZAC members were okay with multiple duplexes and multi-family dwellings being allowed on one lot in the Residential Rural District and also agreed that it should be addressed with the Planning Board to deal with multiple duplexes under the Site Plan Review Regulations. This would be brought back to the full ZAC for the final word.

The members discussed the density of the use in the RR, noting that one acre was required per dwelling unit but it was not specified where those units should be placed on the lot. Loring Carr asked what the difference would be with multiple duplexes on one 100 acre lot versus one duplex on 100 separate one acre lots. The required infrastructure was mentioned as one factor and John Dever explained that if 100 acres were required for 100 units without any specification, all the units could be built on one corner of the lot, for example, rather than spread out over the 100 acres.

The committee returned to the first item which was non-conforming lots, structures and uses. John Dever stated that one of the sections that the ZBA dealt with at almost every meeting was non-conforming uses and structures. He noted that he had been working with this section for eight or nine years and there were times that the ZBA didn't know what the language was trying to say. He noted that the proposals he was suggesting were wordsmithing in some areas; noting that the overall section was currently entitled Non-Conforming Uses, Section A was Non-Conforming Uses, Structures and Lots but only dealt with Uses, Section B addressed Non-Conforming Structures. John Dever noted that non-conforming uses were uses that were no longer allowed in the district; a non-conforming structure primarily meant dealing with setback issues. He went on to say that some of the proposed changes were more substantial.

John Dever pointed out that Section 320, B. 2. c. was currently titled Expansion beyond existing boundaries. He noted that everyone thought of boundaries as property lines and so he was proposing to change it to Expansion beyond existing elevations. John Dever went on to say that 320, B. 5. b. & c. were very similar and maybe could be combined or one could be deleted. Tom Hoopes thought that at one time there was a certain time to rebuild a structure destroyed by fire but the Building Inspector had discretion to extend the time. He thought it was important to have something like that if there were issues with figuring out multiple ownership or probate matters, for example. The committee thought it was a one year timeframe. John Dever said he was going to run this by the ZBA for their input on the proposed changes.

Scott Williams asked if there were any other proposals to discuss. John Dever suggested that the committee consider adding a definition for the sale of containers - 20'/40' shipping containers - and to consider districts in which businesses selling these containers could be located. He noted that the containers were just stored at the site and then sold and shipped to the buyer. There could be 50 containers kept onsite but the business transactions were usually done online; the containers just needed somewhere to be stored. John Dever noted that there were no current definitions that this type of use could be classified under. He noted that he was suggesting creating a definition and figuring out where the use could be allowed. It was also noted that the business of selling the containers would be subject to site plan review to make sure that screening, buffers, drainage,

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fencing, the height of the containers if stacked, etc., would be dealt with. The committee agreed to the idea of adding this to the Zoning Ordinance.

Scott Williams thought ZAC should address private roads. John Dever stated that was something to deal with at the Planning Board level, not in the Zoning Ordinance. Nic Strong stated there was already a definition of street in the Zoning Ordinance and it included private roads.

Scott Williams thought the next thing ZAC should look at was cabin colonies/small houses. He noted that every one of the rustic cabins in Alton had been lost over the years. John Dever stated that he was asked about tiny homes but 95% of the time they were the ones on trailers which by definition were RVs. He went on to say that presently the 2009 building code had certain size restrictions for certain rooms in a house; one room had to be 120 s.f. and a bedroom had to be 70 s.f. Those restrictions were removed from the 2015 building code specifically because of tiny homes but the State of NH had not gone to that year yet and, therefore, Alton was still using what the State of NH specified which was the 2009 code. When the State updated to the next code, Alton would automatically update to that year as well.

Scott Williams thought that the type of rustic development with maybe ten cabins on a narrow dirt road would be a problem under current town regulations. He thought that occupancy requirements could be attached to tiny homes - nothing longer than six months with a month in between or something similar - which would keep them from becoming permanent dwellings. He further noted that these could be something that someone could use to live off the grid. John Dever stated that if there was water under pressure to the interior of the structure it was required by State law to have a state approved septic system. He noted that chemical toilets, composting toilets or incinerating toilets were not an option approved by NHDES. John Dever pointed out that the Zoning Ordinance currently contained a definition and use for seasonal cabins. They were currently permitted by right in the Recreation Service District and by Special Exception in the Lakeshore Residential District. They were not permitted in the Rural District.

Scott Williams asked if there were any other comments. Loring Carr returned to his objection to the frontage decrease in the Lakeshore Residential District, noting that the committee had effectively doubled the number of lots that could be created. John Dever pointed out that was not necessarily true because of the lot size requirement and lot ratio standards. Loring Carr stated that the amendment had increased the potential density and the number of kids and the number of people coming up around the lake. Scott Williams stated that the septic loading had not been compromised by the change. Loring Carr asked the committee to consider supporting the petition. He stated that he would bring up to the Selectmen that they weren't here at this meeting.

The next meeting was scheduled for Tuesday, October 2, 2018, at 6:00 p.m.

Scott Williams asked what was going on with the questionnaire he was seeing all over the place. Nic Strong explained that it was not a questionnaire, this was for the Community Profile on October 19<sup>th</sup> and 20<sup>th</sup>. Dave Hussey asked who was running it. Nic Strong explained that there was a steering committee and that it was facilitated by the UNH Cooperative Extension. Scott Williams

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stated that those people were so stacked that it was horrible. He stated that they came to the town and told the town what they wanted to do, not what the town wanted. He went on to say that he complained the last time because they had come up with all these yes or no questions and he did not agree that was how one of these things should be done. Nic Strong explained that this process was not a questionnaire. The process involved everyone being invited to the event where they were broken into groups and the input from the people that attend is captured. Nic Strong went on to say that UNH has no dog in the fight and they don't care what is said. The input that comes back to the town is then up to the Planning Board, Selectmen, etc., to use to update the Master Plan, the Zoning Ordinance, and the regulations. Scott Williams stated that they were going to be force fed a bunch of liberal ideas from UNH. Nic Strong stated that UNH does not suggest anything in this process. She stated that the input comes from the people that attend the event. She suggested that if Scott Williams had concerns about the process he needed to tell everyone that he knew to come to the event. Scott Williams stated that the last mailing that they did for the town contained hideous questions. Nic Strong stated again that this was not a questionnaire; it was an event and people would have to actually make an effort to go to it. She noted that there were categories to be discussed - economic development, transportation, education, health and wellness, etc. She noted that on the Friday night the group was divided and assigned to one of the categories and the input captured on flip charts. Nic Strong went on to say that on Saturday the attendees could decide which group to go into. She noted that the input was captured on flip charts and the raw data ended up being given to the town.

**At 8:00 p.m. Scott Williams MOVED to adjourn. Tom Hoopes seconded the motion and it PASSED unanimously.**

Respectfully submitted,

Nic Strong  
Town Planner

Approved: October 22, 2018