

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Public Hearing
October 1, 2015
Approved as presented 12-3-15**

(6:04 p.m.) Paul Monzione, Vice Chair, announced that there were three members of the board present, himself, Steve Miller, and Lou LaCourse, meaning that they could start the meeting, but suggested that the board wait a few minutes for Paul Larochelle to arrive. He offered for the cases to have a continuance if there were only three members present. S. Miller suggested that the board take care of business, such as meeting minutes.

I. CALL TO ORDER

Paul Monzione, Vice Chair, called the meeting to order at 6:07 p.m.

The following members were present: John Dever, Code Enforcement Officer; Paul Monzione, Vice Chair, Lou LaCourse, Member, and Steve Miller, Member.

Absent at the time of roll call: Timothy Morgan, Chair, and Paul Larochelle, Member.

II. STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the 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 has been or will be met.

III. APPROVAL OF THE AGENDA

S. Miller motioned to move the meeting minutes from September 13, 2015, up on the agenda, and to hear the one case on the agenda afterwards; second by L. LaCourse, which passed unanimously. (3-0-0)

IV. MEETING MINUTES

Corrections: Page 3 of 5, 5th paragraph, strike the word “not” in the double negative. It was noted that the last name of one of the abutters was not in the minutes; the recorder stated that the speaker had signed in at the start of the meeting.

S. Miller motioned to approve the meeting minutes of September 15, 2015, as amended with the two items mentioned previously; second by P. Monziona. Motion passed unanimously. (3-0-0)

IV. REQUESTS FOR CONTINUANCES

P. Monziona asked the applicants if they wished to have a continuance because only a quorum of the board was present. Both applicants agreed to go forward with their cases, as scheduled.

VI. NEW APPLICATIONS

Z15-19 Edward & Judith Morin	Map 54, Lot 32	Special Exception 14 Lantana Lane
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Edward and Judith Morin are requesting a Special Exception to Article 300, Section 320, B, 2, c., to permit renovation of the house at 14 Lantana Lane, keeping the current footprint but adding a gable roof and second floor. This property is located in the Lakeshore Residential (LR) Zone.

The board reviewed the application. P. Monziona confirmed that the applicants own the property and that they are representing themselves.

S. Miller motioned to approve the application Z15-19 as complete; second by L. LaCourse. Motion passed unanimously. (3-0-0)

Edward Morin introduced himself and Judith Morin, his wife, to the board. He explained that they had just acquired the property at 14 Lantana Lane, and their goal is to take the house down to the floor, to keep the foundation, and to re-build it as a cape. It is currently a three bedroom home with a full bath. The renovated home will have two bedrooms.

S. Miller asked about the overall height of the roof, and E. Morin responded that it would be twenty-one feet high, with approximately a twenty-five feet overall height because of the foundation that is about thirty inches out of the ground.

S. Miller asked about the septic system, and E. Morin noted that they would be within the current septic design for the size of the home. It was noted that there was no one behind their property who would be impacted by the change in the roof height.

P. Monziona asked about how far they were setback from the lake, and J. Dever responded that they were about ten feet into the setback. L. LaCourse asked about the deck, and J. Dever noted that there was a deck there.

P. Monziona asked if there would be any changes concerning impervious surfaces, and J. Dever confirmed there were be no change.

P. Monziona reviewed the letter from the Alton Fire Department's Deputy Fire Chief, which included recommendations. He reviewed the comments by the Conservation Commission. He noted that the square footage was changing because of the change to the second floor and roof.

There were no further questions.

P. Monziona opened up the meeting to public input.

Paul Crone, a neighbor, spoke in favor of the application.

There were no comments in opposition of the application.

E. Morin stated that they were very happy with the area and looked forward to completing the remodeling.

P. Monziona moved the board to the worksheet:

L. LaCourse stated that the plat ***had been accepted*** in accordance with the Town of Alton Zoning Ordinance Section 520, B. S. Miller and P. Monziona agreed.

S. Miller stated that the specific site ***is*** an appropriate location for the use. He noted that there would be no change to the footprint of the home. P. Monziona and L. LaCourse agreed.

P. Monziona stated that factual evidence ***is not*** found that the property values in the district will be reduced due to incompatible use. He stated that property values would likely be increased because of the improvements made to the condition of the home. L. Lacourse and S. Miller agreed.

L. LaCourse stated that there ***is no*** valid objection from abutters based on demonstrable fact. He noted that there were no abutters speaking against the application. S. Miller and P. Monziona agreed.

S. Miller stated that there ***is no*** undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off-stage parking. P. Monziona and L. LaCourse agreed.

P. Monziona stated that adequate and appropriate facilities and utilities ***will*** be provided to ensure proper operation of the proposed use or structure. He stated that the renovation would improve the structure. L. LaCourse and S. Miller agreed.

L. LaCourse stated that the sewage ***is*** accurate area for safe and sanitary sewage disposal and water supply. S. Miller agreed. P. Monziona stated that there would one less bedroom and agreed.

S. Miller stated that the proposed use or structure ***is*** consistent with the spirit of this ordinance and the intent of the Master Plan. P. Monziona and L. LaCourse agreed.

S. Miller motioned to grant the specials exception with the constraints of the deputy fire chief's recommendations are followed; second by L. LaCourse. Motion passed unanimously. (3-0-0)

Z15-20 George & Linda Freese	Map 35, Lot 21 & 22	Special Exception 157 East Side Drive
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On behalf of George and Linda Freese, Ted Davis from Samyn-D'Ellia Architects is requesting a Special Exception to Article 300, Section 320, B. 5., to allow removal of the existing home, which encroaches into the 30; shorefront setback and replace it with a house that will have a smaller area of encroachment. This property is located in the Lakeshore Residential (LR) Zone.

S. Miller motioned to approve the application Z15-20 as complete; second by P. Monziona. Motion passed unanimously. (3-0-0)

Ted Davis and George Davis, of Samyn-D'Ellia Architects, representing the applicants, introduced themselves. George Davis explained that the property was built in 1903 by his grandfather, and he had recently purchased the property.

The existing house is non-conforming, and is on the lake-side of East Side Drive. He stated that the building would stay within a smaller area so it would be less non-conforming. Most of the structure, except for a section of the deck and garage, will be within the thirty-foot setback.

There was discussion about the current structure, which is about six or seven feet into the setback, and the new structure will be just a couple of feet into the setback requirement. S. Miller felt that the renderings that were presented to the board were the best explanation of the request he had seen.

The existing building is a two story building with a full basement, at roughly 2,800 square feet, according to the Town Assessor's report. The gross square footage will be approximately 4,300 square feet. The elevation of the building will be approximately the same, if not slightly shorter.

P. Monziona confirmed that no new non-conforming aspects were being created, that the structure would be within the building envelope on the lot. The house is going to go from a seasonal use to a four-season use, with a well that will be on the property.

S. Miller asked how many abutters there were, and T. Davis stated that there were three. S. Miller confirmed that notices went out to all of the abutters.

P. Monziona reviewed the letter from the Alton Fire Department. There was discussion about the placement of one of the windows, and T. Davis stated he could drop the placement of the window, which is above a deck, as a second means of escape.

L. LaCourse reviewed the information from the Conservation Commission. The board reviewed the site plan showing the existing structure with the new structure imposed over it. There was discussion about the trees, and T. Davis noted that plantings would be done to make the structure more confirming.

There were no further questions.

P. Monziona opened up public input.

Connie Mathison spoke in favor of the application and spoke about the history of the house.

There were no comments in opposition of the application.

P. Monziona moved the board to the worksheet:

S. Miller stated that the plat **had been accepted** in accordance with the Town of Alton Zoning Ordinance Section 520, B. P. Monziona and L. LaCourse agreed.

P. Monziona stated that the specific site **is** an appropriate location for the use. He noted that there would be no change to the footprint of the home. L. LaCourse and S. Miller agreed, and felt it was appropriate for the zoning.

L. LaCourse stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible use. He felt that the new building will be better quality and that they had not seen factual evidence of this negatively impacting property value. S. Miller and P. Monziona agreed.

S. Miller stated that there **is no** valid objection from abutters based on demonstrable fact. He noted that there were no abutters speaking against the application. L. LaCourse and P. Monziona agreed.

P. Monziona stated that there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off-stage parking. L. LaCourse and S. Miller agreed.

L. LaCourse stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure. He spoke about the well that would be put in. S. Miller and P. Monziona agreed.

S. Miller stated that the sewage **is** accurate area for safe and sanitary sewage disposal and water supply. P. Monziona agreed that the well and septic were appropriate with the advisement that they were installed in accordance with the DEA. L. LaCourse agreed.

P. Monziona stated that the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan. He stated he went down the criteria in his questions and found that they were all met. L. LaCourse agreed and stated that his questions and concerns were answered. S. Miller agreed.

L. LaCourse motioned to grant the special exception to case Z15-20, with the provision that the DES approved and installed and the constraints of the deputy fire chief's recommendations are followed; and the appropriate water was installed; second by S. Miller. Motion passed unanimously. (3-0-0)

V. NEW BUSINESS

S. Miller asked about the budget that was coming up and if the board needed to make any changes to the budget. J. Dever stated it was all set.

J. Dever spoke about the Springhaven Campground, which had violated a decision by the Alton ZBA not to have someone staying on the campground in the winter. He reported there was a consent decree, and the owner of Springhaven would be responsible for part of the town's attorney fees (\$3,000 out of \$4,600). Part of the settlement is that the front entrance of the grounds will also be gated.

There was no correspondence.

VI. ADJOURNMENT

L. LaCourse motioned to adjourn; second by S. Miller. Motion passed unanimously. (3-0-0)

The meeting adjourned at 7:28 p.m.

Respectfully Submitted,

Krista Argiropolis
Recorder