

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
APPROVED MEETING MINUTES
October 5, 2017**

The following members were present:

Steve Miller, Chairman
Paul LaRochelle, Vice Chairman
Tim Morgan, Member
Paul Monziona, Member

Others Present:

John Dever, III, Code Enforcement Official
Carolyn Schaeffner, Recording Secretary

I. CALL OR ORDER.

Steve Miller called the meeting order to order at 6:00 pm.

II. APPOINTMENT OF ALTERNATES.

Steve Miller noted there were no Alternates to appoint.

III. STATEMENT OF THE APPEAL PROCESS READ.

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 for in the Zoning Ordinance have been or will be met.

IV. APPROVAL OF THE AGENDA

Paul Monziona moved to accept the Agenda as presented. Paul LaRochelle seconded. Motion PASSED by a vote of (4-0-0).

At this time Steve Miller noted that for Case #Z17-19 and Z-17-20 Paul LaRochelle requested to recuse himself from these two applications. Therefore, the decision would have to be unanimous with 3 affirmative votes in order to pass. He asked the persons present for these cases if they would like to continue to the next meeting, on Thursday, November 2, 2017. The applicants stated they would like to continue for the November meeting.

Steve Miller moved to have cases Z-17-19 and #Z17-20 continued to the November 2, 2017 meeting Agenda. Second by Paul Monziona. Motion PASSED by a vote of (4-0-0).

V. NEW APPLICATIONS.

Case #Z17-21 Tracy True	6 Suncook Valley Road Map 26, Lot 8	Variance Residential Commercial (RC)
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A Variance is requested from Article 300, Section 340C, of the Zoning Ordinance to permit a sign 29 s.f. in size, where 24 s.f. is the maximum allowed.

Paul Monziona moved to accept Application #Z17-21 as complete. Tim Morgan seconded. Motion PASSED with vote of (4-0-0).

Tracy True and Nick Collemacime were present for this case.

Tracy True noted the location of the building located on the property. They would like the sign to be on the side of building and not located on the Rotary. Please note the pitch of the roof for the placement of the sign will be for visibility and utilize this space.

Paul Monziona asked with regard to the photograph, where will the sign be?

Tracy True responded, above entryway door. Peak of the front of the building that faces the rotary (gable end). Cricket is approx 29 sq ft. Sign is approx 24 sq ft. Also noted, she is not through creating the sign and asking for the 29 sq ft to have a little wiggle room to be creative.

Paul Monziona noted he has no further questions.

Steve Miller asked, what is the special condition?

Tracy True noted visibility. Not putting anything on the road side is what she feels is the best decision as a property owner. Did not want hinderance for line of sight on the Rotary so decided to put on the building. Want it big enough to catch customer's eye though.

Steve Miller asked if it will be backlite?

Tracy True responded the lights are recessed cans with eye facing the building.

Steve Miller asked if they will be advertising anything else?

Tracy True responded no that the letters for the store only will be permanently lettered with store sign.

Steve Miller noted concern that if business does not continue that this will be permanently on the building.

Paul Laroche asked why not on the ground?

Tracy True Stated DOT expressed concern. And also life time resident and want to keep the line of site best at the Rotary.

Nick Collemacime added the State owns 85 feet from center line toward building. Feels it will also draw emphasis to the building with the sign located on it.

Steve Miller asked if DOT listed any issues?

Tracy True stated they receive permission for driveway to opening and extra 4 feet toward guard rail for two vehicles to pass in and out.

Paul Monzione asked if this will be the only signage (on the building)?

Tracy True stated there will be second sign near the guardrail on the side of the existing driveway.

Paul Monzione asked John Dever if in Section 340 they are allowed 2 signs not to exceed 24 sq. ft. each they would have allowance 48 sq. ft. total.

John Dever responded that is correct.

Steve Miller asked for Public Input. No public input seen or heard. Public input closed.

Steven Miller opened for discussion among the Board Members,

Paul LaRochelle feels this does not require a Variance. Also, does not feel this is a hardship.

John Dever noted the property line. Approved site plan from Planning Board. DOT owns all the rest. Very little opportunity for a sign. Must maintain vegetated area. This is where hardship falls.

Tracy True referred to the Urgent Care sign and does not like it and did not want her business to have this reputation.

Steve Miller moved the Board on to the worksheet.

Public Interest. Tim Morgan. The variance **will not** be contrary to the public interest. Reason: The public interest in the sign ordinance is to cut down on clutter and visual impact. What is proposed is not contrary to public interest
All Board member agreed.

Spirit of the Ordinance: Paul Monzione. The Request **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety and character of the district within which it is proposed. Reason: Is in harmony to the master plan. The hardship is the layout of the property lines, wetlands. Applicant using the facia of the cricket for best idea. Small additional space does not go against the Zoning Regulations or the Master Plan.
All Board members agreed.

Substantial Justice: Paul LaRochelle. By granting the variance, substantial justice **will** be done. Reason: Improvement and good area. Significant upgrade.
All Board members agreed.

Values of Surrounding Properties: Steve Miller. The request **will not** diminish the value of the surrounding properties.

Reason: This property has been an eyesore prior to ownership. No testimony to the contrary. Adding additional lettering will not diminish values.

All Board members agreed.

Hardship. Tim Morgan. For purposes of this subparagraph, "**unnecessary hardship**" means that, owing to special conditions of the property that distinguish it from other properties in the area:

Reason: 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. The unusually shaped property and great solution for the hardship.

The proposed use is a reasonable one.

All Board members agreed.

Summary Statement: If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist **if, and only if, owing to special conditions of the property that distinguish it from other properties in the area;**

The property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Reason: Appreciated that the applicant has concern for line of sight and opted to put sign on the building as an improvement.

Tim Morgan moved to grant the Variance for Case #Z17-21. Second by Paul Monzione. Motion PASSED with vote of (4-0-0).

VI. OTHER BUSINESS.

1. Bylaws. John Dever noted this review is a three-month process and Jessica will send these out and will be reviewed at the November meeting
2. Appeal Application Guide has been revised to be more informational, application is shorter.
3. Review of September 7, 2017 Draft Minutes.
 - a. change on page 5, passes 4 – 0 Not 5-0
 - b. change on page 5, 4 para, last sentence, Paul Monzione was WARY not WEARY.
Tim Morgan moved to accept the Draft Minutes of September 7, 2017 with changes. Paul Monzione seconded. Motion passes with vote of (4-0-0).
4. Noted that at the next meeting Paul LaRochelle will need to recuse for 2 cases. Need to find out to have enough in attendance.
5. Paul Monzione made a note for importance procedurally to not address the applicant if public input has been closed. Need to move to reopen if they want to discuss anything with the applicant.
6. John Dever also noted for importance procedurally that when continuing a case it should be continued to a specific date.

VII. ADJOURNMENT.

Paul Monziona moved to adjourn at 6:43 pm. Tim Morgan seconded. Motion PASSED with a vote (4-0-0).

Respectfully submitted,

Carolyn Schaeffner
Recording Secretary