

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
MINUTES  
Public Hearing  
November 7, 2013  
Approved as amended 12/5/13**

**I. CALL TO ORDER**

Paul Monzione called the meeting to order at 7:02 p.m.

**II. INTRODUCTION OF PLANNING DEPARTMENT AND ZONING BOARD MEMBERS**

Paul Monzione, Chair, introduced himself and the members of the Zoning Board of Adjustment:

Tim Morgan, Member  
Lou LaCourse, Member  
Steve Miller, Member

**III. APPOINTMENT OF ALTERNATE**

There were no alternates present at this meeting.

**IV. 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.

**V. APPROVAL OF THE AGENDA**

**T. Morgan made a motion to approve the agenda as presented. S. Miller seconded the motion which passed with four votes in favor, none opposed, and no abstentions.**

**VI. NEW APPLICATIONS**

Case #Z13-15 Marie Casaccio, Trustee	Special Exception Map 41 Lot 46	13 Hummingbird Lane
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*On behalf of Marie J. Casaccio Rev. Trust, Thomas W. Varney, PE is requesting a Special Exception to Article 300 Section 320 B.2.c of the Zoning Ordinance. The existing use is a residential single story house with no basement or attic. The plan is to add a second floor. The existing open porch is to become a screened porch with a roof and the septic sewer lines are to be replaced to the leach bed. A septic design is pending for a new septic system. The property is located in the Lakeshore Residential Zone.*

P. Monzione read the case into the record. The Board reviewed the application for completeness.

**L. LaCourse made a motion to accept the application as complete. S. Miller seconded the motion which passed with four votes in favor, none opposed, and no abstentions.**

S. Miller questioned whether the applicant had the option to choose whether to proceed with four members rather than the full Board of five members. P. Monzzone explained that an applicant always has an option to continue; each applicant is allowed three continuances before the process must be started over, with all fees and notices attached. If only three members were present, the applicant could choose to continue without using one of those three allowed continuances. In this case, where there are four members present, the applicant would have to use one of the three allowed continuances in order continue at this time. In both instances cited above, a quorum, which is reached with the presence of three members, could be made up of a combination of regular members and alternates. After a brief discussion with Mr. Varney, Mrs. Casaccio opted to go forward.

Tom Varney came forward to present the application. Mrs. Casaccio has owned the property since 1967; the house was built in 1970, prior to zoning requirements of a 30 foot setback from the lake. There is a state approved septic design and a state approved Shore land Permit. There are photos attached to the application showing the current building. There are architectural renderings of the proposed new building, showing the addition of the second floor and screened porch. Additionally, there will be an upgrade to the septic system and replacement of the sewer line; the sewer line upgrade is at the direction of the Board of Selectmen. The sewer line will be dug up and terminate at a parcel of land that is designated for septic disposal; this parcel is part of a cottage colony and there is an association that shares the beach and the lot designated for septic.

The second floor addition would allow for family gatherings; the current cottage is 24' X 36' on one story. This addition would increase the value of what Mr. Varney considers an out-dated cottage.

Mr. Varney cited a positive statement for each of the criteria for granting a Special Exception. He stated that the site is an appropriate location for the use because the property is already developed; factual evidence is not found that the property values in the district would be reduced due to incompatible uses because the proposed addition is an improvement to the property and will increase property value; there is no valid objection from abutters based on demonstrable fact because the property is already developed with the house, the boat house, the landscape, and wooded areas; there is no undue nuisance or serious hazard to pedestrians, or vehicular traffic, including the location and design of access ways and off street parking because the driveway and Hummingbird Lane will not change; adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure because the addition and porch are located over existing footprint and the use of the property will remain the same; there is adequate area for safe and sanitary sewage disposal and water supply because a new septic system design has been approved by NH DES and the existing sewer pump line is to be replaced prior to construction; and the proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan because the existing use does not change and the existing structure is improved upon.

S. Miller asked if there were any objections voiced to the applicant by any abutters; Mr. Varney answered that there were. S. Miller asked if there would be any change in the number of seasons the cottage would be used; there will be no change. S. Miller asked how far the cottage is from the lake; T. Varney answered that it is 12' from the lake. S. Miller asked how much the property would increase in value with the addition of the screened porch and the second floor; Mr. Varney did not know.

P. Monzzone asked whether the architectural elevations as shown depict the intent of the addition; T. Varney answered that they do. P. Monzzone asked about the purpose of the addition; it will increase the living space. He asked if there is any way to accomplish similar expansion without going up; Mr. Varney explained that there is not, and that is due to the strictures of the Shore land Protection Act. P. Monzzone asked about the total height and whether the ridge would be within the 35' height restriction; Mr. Varney answered that it would be under 35'.

T. Morgan referred to the boundary lot survey and questioned whether there is a house on Lot 3, as there is not one depicted. After looking at some of the other renderings, the location of the house was determined and pointed out to the Board members. P. Monzzone asked if the full size survey showed Paul Zuzgo's seal; T. Varney stated that the seal is present and signed on the full size survey.

P. Monzzone asked if there are any other setback restrictions other than the setback from the lake; T. Varney stated that all other setbacks are met. There is a community well on the property but it does not affect this design. P. Monzzone asked about the total size of the lot; T. Varney answered that it is about 1/5 of an acre. The footprint of the house is 24' X 36', plus the porch; T. Varney stated that the entire structure would stay within the existing footprint and there would be no ground disturbance at all.

P. Monzzone asked about the septic approval and whether it is for the proposed structure, which Mr. Varney stated would remain a three bedroom, as it is now. The new structure will have one bedroom upstairs and leave two bedrooms downstairs, according to Mrs. Casaccio; currently there are three bedrooms downstairs.

P. Monzzone asked Mr. Varney if there was anything he would like to add. Mr. Varney explained the major effort going into the new septic system; it will be several hundred feet from the cottage and will require that portions of the road be dug up. Mrs. Casaccio has taken the replacement of the sewer line on willingly, at the suggestion of the Selectmen. P. Monzzone asked if there was association approval for the work Mrs. Casaccio is proposing; Mr. Varney explained that he included association documents in the application packet, and that this is an upgrade to the septic system, which is uphill and quite a distance away.

P. Monzzone opened the floor to public input in favor of granting the Special Exception; there was none. P. Monzzone invited public input in opposition to granting the Special Exception.

Bob Morris, an abutter, spoke. He stated that there have been changes to the plan originally submitted; he was unable to get the revised plan and is unsure if his issues still exist or whether they were addressed on the revised plan. P. Monzzone asked for clarification as to what plan Mr. Morris is referencing; he is referring to the plan that was submitted as a revision on October 14, 2013. Mr. Morris read a letter dated November 1, 2013 addressed to the Zoning Board; he read that letter into the record. His letter stated that his view will be obstructed by the addition of a second story on the Casaccio cottage, thereby reducing the value of his property, which he purchased 10 years ago partly because of the view of the lake. He cited zoning ordinances which he interpreted as showing that the ZBA should not grant the Special Exception due to the obstruction of his view and reduction in value of his property, and that of those around him whose views would also be obstructed. He went on to say that this property is not legally non-conforming; it is 12 feet from the water's edge and does not meet the requirements for lots constructed prior to 1995, it is not legally non-conforming. He went on to say that the house does not presently have a porch to enclose; it has a deck that goes to within 2 feet of the water's edge. By enclosing it and putting a roof on it, the property will be even more non-conforming than it already is. The property has a very large boat house which exceeds the maximum height for a boat house. Under Section 328 of the Zoning Ordinance, the maximum height should be 15 feet above the lake; this boathouse is 19 feet above the lake, and even though it is grandfathered, it is another non-conformity. The boathouse also has a huge dock surrounding the boathouse; it covers 72 feet of the shoreline, and could not be done under today's zoning laws. Mr. Morris went on to cite the requirement of a 25' setback from a right of way; the Casaccio property sits 2 feet from Hummingbird Lane, which is a private road. This is another setback violation. Additionally, the state recommends a maximum of 30% of impervious surface; this property will have 35%, which exceeds the state maximum. There is a community well on the property that serves 7 families; the well was installed prior to construction of the Casaccio property. The Casaccio's installed their septic within 25' of the existing well. Regulations require a minimum of 75' between a septic tank and a well. By doubling the size of the house, it will put an additional strain on the septic system; this point is probably irrelevant with the installation of the new septic system. The minimum lot size in the Lakeshore residential zone is 30,000 square feet; this property is only 8,076 square feet, which again is grandfathered, but shows another point of non-conformity. Due to all these issues, and the fact that the addition will have an affect on his value and his view, the Special Exception is not warranted. S. Miller asked Mr. Morris if he had any idea of a dollar amount of decrease due to the obstruction of his view; Mr. Morris answered that he did not. He did produce pictures showing his current view; reducing his view would reduce his value, especially in this part of the state. P. Monzzone asked Mr. Morris if he is within 500'; Mr. Morris stated that he is. P. Monzzone asked Mr. Morris if he would be able to show to scale what the obstruction of his view would be; Mr. Morris answered that he could not.

Lola Eanes of 9 Hummingbird Lane, a direct abutter, has been on her property since 1985. Mr. Varney had stated that the only non-conformity is that the house is only 12' from the water; in fact it is about 2 – 4 feet from Hummingbird Lane. She went on to say that her view would also be obstructed, though not as much as Mr. Morris'. She also spoke for abutters not present; the Terrazzano's view would be completely obstructed. She stated that they have been told that the elevation will not exceed 35" – she would like to know the actual height of the roof ridge. She also asked about the installation of the new sewer line, which will dig up the center of the road; she thinks the applicant should have to repave the entire road surface. She is also concerned about the screened porch, which will be only about 2 feet from the water. It looks like something that could be closed in at a later date and used as additional living space in a three season home. It is a deck now, and by putting a roof on it, that will restrict more of her view. P. Monzzone asked about the right of way for Hummingbird Lane; Mrs. Eanes explained that there is a right of way across her property and for the other abutters. P. Monzzone asked if addition of a second story on the structure would affect traffic on Hummingbird Lane; Mrs. Eanes answered that it probably would not, but it just shows more non-conformity. Mrs. Eanes questioned moving only one bedroom to the second floor; it is currently a crowded first floor, but two of the bedrooms are staying on the first floor – what is going in the rest of that large space upstairs? Mrs. Eanes wanted to know what makes this a hardship; P. Monzzone explained that hardship is a criterion for a variance, but not for a Special Exception. Mrs. Eanes added that Lot 9, where Mrs. Casaccio wants to put her septic system, belongs to all of the homeowners in the association and is set aside for all of the properties in case they ever need septic space. They are all entitled to use the space as much as Mrs. Casaccio is.

Richard Eanes voiced his concern about how the road is going to be finished once the project is completed. In the past, Mrs. Casaccio has had a couple of leaks, and when she has had them patched, the patches are up about three inches and people have been tripping over them. The patches are located on the Eanes' property.

Bob Morris asked if the septic system would have to go in if the project was going ahead; P. Monzzone stated that as his understanding.

Public input was not closed, but P. Monzzone invited the applicant to answer questions and rebut statements made during public input. P. Monzzone asked the height of the actual proposed structure; it is 29 feet. P. Monzzone asked about the screened porch; currently it is an open deck, and he is uncertain how it comes under Section 320B. Enclosed, additional living area is not allowed under 320B; T. Varney explained that it is simply a screened porch. The shore land permit allows for screened porches. P. Monzzone continued; 320B allows for a non-conforming structure, due to violation of setbacks, to be expanded upward or downward with a Special Exception. The screened porch does not fall under upward or downward expansion; P. Monzzone asked what zoning regulation Mr. Varney is referencing to ask for the screened in porch. Mr. Varney explained that it is a new change in the zoning; it is allowed. It is not going to be converted to living space, but they are asking for a special exception for the screened porch. P. Monzzone explained again that Section 320B allows upward expansion of a structure that is non-conforming due to setbacks; he does not see how the enclosing of the deck into a screened porch is covered by Section 320B. Mr. Varney stated that it is in paragraph 3, which allows expansion beyond existing boundaries. The porch will expand the deck upward and that it will be part of the whole package.

P. Monzzone asked about the proximity to Hummingbird Lane; Mr. Varney explained that Hummingbird Lane goes onto the applicant's property. P. Monzzone asked if this proximity would be a non-conformity due to setback, even though he acknowledged that the encroachment would be grandfathered. Mr. Varney explained that he used a 10' setback because a 25' setback didn't make any sense. P. Monzzone asked if the new septic system would impact the community well; Mr. Varney stated that this has been addressed. The community well is a major item; there is a large radius around the well. The well is not recorded and does not serve more than 25 people. The leach field is far enough away; the tank is too close, but it's already there and has been since long before the regulations. The tank is going to remain unchanged; the leach bed is 200 feet away. The pump station pumps from the tank to the leach field. P. Monzzone asked about the use of lot 9 for the septic and how that will affect the community. Mr. Varney explained that lot 9 is where the leach bed is now; it is an old system and the pump line goes there now. The plan is to make this a modern system, and at some time there may be other systems there. Currently none of the properties there have modern approved septic, and this one is

positioned so as not to intrude on anyone else's space. There could be multiple systems on lot 9, or one community system. There are not going to be 9 septic systems on that property; there would only be 3 – 5 systems. P. Monzzone asked if the addition of the second floor would take more space or adversely affect anyone else's use of lot 9; Mr. Varney stated that it would not because the system is more modern. The use of the system will not be increased, but the system will be improved. P. Monzzone asked what else would be on the second floor; Mrs. Casaccio answered that it would be one bedroom. The bedroom moving from downstairs will allow expansion of the kitchen. The cottage will remain three bedrooms. P. Monzzone asked about damage to the pavement; Mr. Varney explained that the plan is to have the disturbance minimized by crossing over the road and digging along the side. The road belongs to everyone in the association; he does not agree that Mrs. Casaccio should have to repave the road, and that is a discussion for the association at a later time. Any damage to the road will be covered and patched when the sewer line is dug up.

P. Monzzone invited further comment from the public. Mrs. Lola Eanes stated that the sewer line probably isn't where they think it is going to be, but there is an existing easement and the abutting properties own that. Originally they were going to follow the lines up the hill; now instead of disturbing the asphalt, they are going to cross the road and go up the side, then cross over. When they go up the side, they are on someone else's property, and that is not in the easement.

John Zaugg, an abutter stated that the water line for the houses runs on the right side of the road, and he understands that they need to be four feet away from septic lines. There is no way they can dig through the road and not disturb the pavement; if they go down four feet, there won't be much pavement left.

Mrs. Eanes stated that the enclosed porch still looks like something that might be enclosed at some future time. She relayed to the Board that when she moved into her cottage, they had a screened porch that looked very similar to the porch addition proposed. Storms would blow in from the lake and soak whatever was on the porch. After a very short time of putting up with items on the porch always being wet, they enclosed the porch with sliding windows and eventually turned it into an additional bedroom for their daughter.

Public input was closed at this time. S. Miller asked for a short recess which was granted.

P. Monzzone introduced John Dever and invited his input. Mr. Dever asked about the number of bedrooms currently and after the proposed addition. Mrs. Casaccio stated that there are three and will be three after the renovation. Mr. Dever pointed out that the septic design plan is for two bedrooms, not three. S. Miller asked if that fact renders the application incomplete; P. Monzzone explained that it is not incomplete, but the information is inaccurate. P. Monzzone asked if the septic line that has been discussed is part of the design that will be used for this second story structure and how the running of the lines would impact land outside of the right of way, on private land. Mr. Varney explained that the line currently goes right up the road; digging it up now would destroy the road from the beginning to the end. The proposal is to cross the road and go along the edge to minimize the disturbance. They will not be on anyone's property; they will be in the road right of way. They have the pathway to do it without running into rocks and trees. P. Monzzone asked if the plan to run the sewer line is a permitted use within the association's right of way rights; Mr. Varney stated that the association rules are in the application and explain that they have a right to install and maintain sewer lines. P. Monzzone asked if during the state approval process, the plan showing how the lines would run were included. Mr. Varney stated that the association agreement and the plan were submitted with the application; he cited the part of the association rules which apply to running and maintaining sewer lines. S. Miller asked if the applicant needs permission from the Homeowners' Association to adjust or install a line, and to unilaterally use lot 9. Mr. Varney stated that the right to do that is outlined in the Amended Restrictions on Property. Also outlined in that document is who will pay for paving of the road, which Mr. Varney says is sticky and will need to be looked into. S. Miller asked about association meetings; they are held once a year.

Mrs. Casaccio stated that Mr. Morris does not have a view of the lake at all; she looked to make sure and her house is not in his way. He has a very short view at the end of his dock. Referring to Mrs. Eanes, Mrs. Casaccio stated that she doesn't have anything to do with her view; she faces the whole lake. All she wants to do is remodel her house, and she has been through hell with these people. She doesn't see how Mr. Morris'

value is going to be reduced because it is a very different looking house, and not very desirable looking. They're making her fix the road; she replaced a pipe 18 years ago, and then again 15 years ago and it has been perfect ever since. The pipes she wants to replace are 12 – 16 inches below the ground; if they're that deep, they wouldn't have lasted 40 years. She shouldn't have to pay for that; Bob Morris wasn't even there when she had a leak in the road.

T. Varney explained that there is a wide-angle view of the lake. The trees behind the house are thick and there is a building next door that also blocks the view. There is also a wall of trees at the lake. Improving this house increases the value; that balances out any other loss of value. P. Monzzone asked if Mr. Varney and the applicant had seen the letter Mr. Morris sent to the ZBA members; they had not seen it or the photos attached. Mr. Varney suggested that if the person who took the photos were to turn slightly there would be ample views of the lake; all the photos are directly toward the Casaccio house. S. Miller referred to the photos and asked J. Dever if they were an accurate depiction of the view from Mr. Morris' house; J. Dever stated that they are accurate. P. Monzzone asked J. Dever if there was any other department head input; the only input was from the Fire Department who stated that the building would be required to meet code.

The Board deliberated briefly. P. Monzzone stated that under the regulation the structure can be non-conforming for any setback violation; the fact that there are multiple setbacks does not prohibit the Special Exception from being granted for expansion upward as long as there is no adverse affect to the property or to abutters within 500 feet. He is unclear given the issues of pipes being located in what might be common area according to the rights and restrictions laid out in the homeowner association documents. He has similar uncertainty concerning the use of lot 9. This is problematic because adequate sewer is one of the criteria that must be ruled on. He suggested that it could be dealt with as a condition. T. Morgan stated that he thinks it is outside the Boards' purview, even with a condition, to determine what the homeowners' agreement says. There could be a condition requiring compliance with the homeowners' association rules, but other than that, it is outside the purview.

S. Miller stated that it is not the responsibility of this Board to create something more and more non-conforming. This is significantly, not a little, non-conforming. He believes that regulations should be adhered to whenever possible, and that the aim should be to at least do no further harm. He has an issue when it is 2 feet from the water; that is significant. If that is a straight out legal issue, he will defer to the lawyers on the Board for a strict interpretation of the ordinance. He also has an issue with the application; it was presented with a two bedroom septic approval and as a three bedroom home, it has been non-conforming for a long period of time. In his head he does not believe that rises to the application being complete; if something was wrong and the document is the wrong document, he believes the Board should look again at whether the application should have been accepted in the first place based on the new information. He also has an issue with the deck itself; under 320B2c he is questioning the legality of the deck being built.

L. LaCourse stated that his concerns are pretty much the same; the presentation was  $\frac{3}{4}$  over before the two bedroom septic approval came up, and he is unconvinced that this is going to be a two bedroom house. His other concern goes to the deck; in his mind the footprint of the house is the foundation of the house. The deck is just a cover over the land. If they are talking about screening in a deck, and putting a roof over a deck, they are expanding the footprint, and they are expanding the non-conformity of the house.

P. Monzzone stated that the applicant would have the legal right to put the second floor on this house, even with all of the non-conformities. Upward expansion is allowed with a Special Exception; the ZBA may not grant the Special Exception unless it finds that the proposed expansion will not have an adverse impact on abutters or other property owners within 500 feet of the property. That goes to the issue of use and whether surrounding values will be adversely affected by blocking views. This question is not fully answered in his opinion; he does not feel fully informed on what affect the second story will have on the abutters' view. Secondly, they may not grant the Special Exception unless the additional space/bedrooms will be accommodated by adequate water and sewer disposal approved by NH DES, which has approved a septic system for 2 bedrooms, but the Board knows there are going to be three bedrooms in total. Some things could be rectified by putting in a condition that if the Special Exception were granted, it would only be for two bedrooms. There is also the issue of the deck; the deck does not fit into the zoning regulation. In fact, Section 320D states that a deck, porch, or patio shall not be

converted into living space if it is located even in part within any setback; this is within the setback of the lake. He wondered about a site walk or gaining further information. S. Miller stated that he does not think there is need for a site walk; John Dever has given expert testimony as to the line of sight. T. Morgan stated that he has looked again at the application; nowhere in the application does it state that there will be two or three bedroom use, so the application is complete, but there is an issue with the DES approval and how many bedrooms there can be. T. Morgan went on to say that he interprets the ordinance differently than Mr. Varney; it does not say you can create a porch or patio. It simply says that if there is one you can not convert it into something else; a porch with a roof and screens can not be added under the ordinance. With respect to adverse affect on neighbors, it does not have to be a de minimis affect. There is adverse impact that exists in the eyes of the abutters, and no matter how insignificant that may seem to others, it does exist in the eyes of the abutters.

## **WORKSHEET**

P. Monzione stated that a plat **has been** accepted in accordance with the Town of Alton Zoning Ordinance 520B. L. LaCourse agreed. S. Miller disagreed. T. Morgan agreed.

L. LaCourse stated that the specific site **is not** appropriate for the planned use; it is appropriate for its current use but not for the proposed use because of the impact it is going to have on the neighbors. S. Miller agreed with that distinction; it is not appropriate for the projected use which is adding the second story and additional rooms. T. Morgan stated that it is appropriate because the use is not changing; it is a residence and it will continue to be a residence. P. Monzione agreed that it is an appropriate location for residential use.

S. Miller stated that factual evidence **has been** found that property values in the area will be reduced due to incompatible uses. A number of abutters have testified that property values would go down if the view was hindered; he agrees with T. Morgan that it does not have to be a significant change. Even a small change would cause the value to go down, and that could be reflected in assessments going forward. T. Morgan agreed that property values will be impacted, but it is not due to incompatible uses. He therefore stated that values will not be reduced due to incompatible uses; it is still a residential use. P. Monzione agreed with T. Morgan; the factual evidence is not found that property values in the district will be reduced due to incompatible uses. First, the proposed use is not incompatible; it is residential use in a cottage. Also, there was no evidence presented that adding a second story to this cottage would reduce values because of its use. L. LaCourse agreed with P. Monzione's statement.

T. Morgan stated that **there are** valid objections from abutters, based on demonstrable fact. The letter and photos that were presented are a good demonstration of the impact this will have on abutters. Also, the oral testimony given by abutters also swayed him to believe there are objections based on demonstrable fact. P. Monzione agreed; there is valid objection from abutters based on demonstrable fact. Part of that is with regard to the septic issues that have not been fully laid out; many of the abutters objected to the septic design but there were also objections with regard to view. L. LaCourse agreed; there are valid objections due to the view. He used one of the provided pictures and drew in a possible rendering of the second story, and almost 50% of the view from that aspect disappeared. He is also concerned about the affect of the construction of the septic system. S. Miller agreed; there is valid objection from the abutters; in addition to the evidence of photographs and letters, there is the expert testimony of John Dever, who actually walked the property himself and states that the photos are accurate.

P. Monzione stated that there **is no** undue nuisance or hazard to pedestrian or vehicular traffic, including the location and design of access ways or off street parking. He specifically asked whether anyone felt that the location of the second story close to Hummingbird Lane would have an adverse impact on that, and he heard no evidence that adding a second story would in any way create an undue nuisance or hazard to pedestrian or vehicular traffic. L. LaCourse, S. Miller, and T. Morgan all agreed.

L. LaCourse stated that adequate and appropriate facilities and utilities **would not be** provided to insure the proper operation of the proposed use or structure. If he looks totally at the application, as T. Morgan said there is no mention of the number of bedrooms. However, if he listens to the testimony of the applicant there will be

three bedrooms, so it will not be provided based on the evidence received. S. Miller agreed; adequate facilities will not be provided; as of this date there are three bedrooms, and approval for a two bedroom septic system. T. Morgan suggested that those objections would fall under safe and sanitary sewage disposal, so he stated that adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure. P. Monzzone agreed with T. Morgan; the facilities and utilities are adequate and appropriate even with the second story.

S. Miller stated that there **is not** adequate area for safe and sanitary sewage disposal and water supply; that is the case where there are three bedrooms and only approval for two. T. Morgan agreed; the new approval is for two. P. Monzzone agreed because the evidence is clear, and not just from the abutters; the applicant has testified herself that this is a three bedroom with a two bedroom septic. L. LaCourse agreed.

T. Morgan stated that the proposed use or structure **is not** consistent with the spirit of the ordinance and the intent of the Master Plan. The screened in porch right against the water is not in the spirit of the ordinance, and interfering with the view of the abutters is not in the spirit of the ordinance or the intent of the Master Plan. P. Monzzone agreed and added that the two bedroom septic in a three bedroom house is another reason why it is not consistent. L. LaCourse agreed with all of these statements. S. Miller agreed and added that the requested change makes a significantly non-conforming dwelling even more non-conforming; his intent is to try to do no harm, or at least less harm, and he thinks this proposal poses significantly more non-conforming elements.

**L. LaCourse made a motion to deny the Special Exception for Case Z13-15. S. Miller seconded the motion which passed with four votes in favor of denial, none opposed, and no abstentions.**

## **VII. OTHER BUSINESS**

- A. Previous Business: None
- B. New Business: None
- C. Minutes: October 16, 2013

**L. LaCourse made a motion to table review of the minutes of the October 16, 2013 meeting; T. Morgan seconded the motion which passed with four votes in favor, none opposed, and no abstentions.**

D. Correspondence: The members of the Zoning Board of Adjustment received an invitation to a retirement reception being held in honor of Kimon Koulet, the man who has been managing the Lakes Region Planning Commission for 20 years.

## **VIII. ADJOURNMENT**

**T. Morgan made a motion to adjourn. L. LaCourse seconded the motion which passed without opposition.**

The meeting adjourned at 8:45 p.m.

The next regular ZBA meeting will be held on December 5, 2013, at 7:00 p.m. at the Alton Town Hall.

Respectfully submitted,

Mary L. Tetreau  
Recorder, Public Session