

**TOWN OF ALTON
ALTON ZONING BOARD OF ADJUSTMENT
DECEMBER 4, 2008
Approved as Amended 2/5/09
MEETING MINUTES**

Members Present: Timothy Morgan, Chair
Paul Monzione, Clerk
Stephen Hurst
Timothy Kinnon
Marcy Perry

Others Present: Sharon Penney, Town Planner
Stacey Ames, Planning Assistant
Members of the Public

I. CALL TO ORDER

T. Morgan called the meeting to order at 7:08 PM.

II. INTRODUCTION OF BOARD MEMBERS

T. Morgan introduced the Board members.

III. APPOINTMENT OF ALTERNATES

There was no appointment of alternates.

IV. STATEMENT OF THE APPEAL PROCESS

T. Morgan read the Statement of the Appeal Process.

V. APPROVAL OF AGENDA

T. Morgan announced that Case Z08-15 has asked to be removed from the agenda that night. S. Penney noted that this was the fifth time a continuance has been requested.

MOTION:

T. Kinnon motioned not to allow the continuance of Case #Z08-15 due to the fact it has been continued four times previously. M. Perry commented that she agreed with T. Kinnon and seconded the motion. There was discussion about the continuances. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

T. Morgan noted that the applicant will be notified.

MOTION:

M. Perry motioned to approve the amended agenda and P. Monziona seconded the motion. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

VI. CONTINUANCE

**Case Z08-15
Charles Frank**

Map 53; Lot 5

**Area Variance
Temple Drive**

Application submitted by Attorney Arthur Hoover of Alton Law Offices, PLLC, on behalf of applicant Charles Frank III to permit an area variance from Article 300; Section 327 (A)(1) to permit the construction of a deck within the 30' setback. This parcel is located in the Lakeshore residential zone. Continued from November 6, 2008 meeting.

This case was removed from the agenda per the applicant's request and will not be continued.

**Case Z08-19
Spring Haven Realty Corp.**

Map 66; Lot 14

**Area Variance
1780 Mt. Major Highway**

Application submitted by David Weinhold on behalf of Spring Haven Realty Corp. to request an Area Variance from Article 300; Section 317(A)(3) to allow a carport within the ten foot side setback requirement. This parcel is located in the lakeshore residential zone.

D. Weinhold stated that they would like to put up a carport to make their cars more accessible in the winter time. S. Penney stated she had looked at the schematics that he had submitted and asked for clarification of the scaling of the map he had submitted. She presented a tax map of the lot and asked him to show where the carport would be located.

The Board reviewed the map/schematics. The carport will be located about 45' to 50' from Route 11. There is a driveway there now that will be used to access the carport. There was review and discussion of the positioning of the carport on the property and the schematics that were submitted. The existing structure is 28' by 22'. The carport will be an open carport.

T. Morgan stated he was having trouble lining up the image that was submitted with the town map and noted that the image had been reversed.

S. Hurst asked if this fell in the issue of the Shore Line Protection Act and S. Penney confirmed that it did fall under that act and that the state would need to approve it.

PUBLIC INPUT:

Ken Whiteside spoke for the application. He spoke about the layout of the property and the positioning of the carport. He stated he had no problem with the applicant placing his carport next to his property. He noted that the neighbors on the other side also had no problem with the placement of the carport.

S. Penney spoke about new construction near the shore line and the criteria that has to be met for impervious surfaces. She recommended that a contingency or continuance might want to be considered because of the nature of the construction.

K. Whiteside stated that there would be no additional pavement added to the driveway and the cover would not be continued past the pavement. The carport will be within the parameters of the paved driveway.

P. Monziona asked if anyone from the fire department or safety services had looked at the plan. He spoke about his concern of the impact this might have on the safety of the surrounding structures.

Tom Hoopes stated he was not speaking for or against the application but that he was "neutral". He spoke about the application and felt there was not enough information for accepting the application. He noted that because there is a stream on the property that with the Shoreline Act that they would need a variance from DES. He stated that the Shoreline Protection Act had been approved to protect Lake Winnepesaukee.

D. Weinhold stated that he did not agree with T. Hoopes comments and felt that because the carport would be on the paved driveway that it would not make a difference. There was review and discussion of the map that was presented. S. Penney stated that DES would be more picky about the map that would be presented to them to show the requested variance. P. Monziona stated that one of the things that will come up with DES is if the structure would be within public interest. P. Monziona felt that they would be incapable of answering the question right now on of this met with public interest. He felt that if the applicant went to the state first for approval before coming to the ZBA for approval that would assist the ZBA in making a determination on the application. S. Penney stated that the Planning Department could help D. Weinhold with getting his documents together for presentation to DES.

MOTION:

T. Kinnon motioned for Case #Z08-19 to have a continuance to give the applicant time to work with DES, to get more information from DES, and to submit schematics (to scale) with the application. The motion was seconded by P. Monziona. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

The continuance is scheduled for March 5, 2009.

VII. CONTINUED NEW APPLICATION HEARING

**Case Z08-20
Ronald & Karen Senecal**

Map 55; Lot 7

**Area Variance
168 Roger Street**

Application submitted by Ronald Senecal to request an Area Variance to allow the construction of a two car garage within the 25' road setback. This parcel is located in the lakeshore residential shore.

MOTION:

M. Perry motioned to accept the application as complete and T. Kinnon seconded the motion. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

R. Senecal presented the plans for the garage. He spoke about the layout of the garage on the property and the existing driveway. Roger Street is not a town approved road and the eight residents of the road pay to have the road plowed and sanded by the town. There will be no trees removed to place the garage on the property.

T. Morgan noted that there was a right of way on the applicant's property and asked how the garage would affect the right of way. S. Hurst noted that the road was the right of way. R. Senecal noted where the garage would be placed on the property.

T. Kinnon stated that this request would also fall under the Shoreline Protection Act. R. Senecal stated that what he was doing was moving the garage further from the lake and that he already had a permit that was issued in June, 2008, so the permit is grandfathered in for the applicant. The position of the garage has been moved but the permit is for the site. S. Ames explained the issuing of the permit and noted it was fine, so the applicant needed the variance approved by the town because the permit had already been issued by the state. The new location brings the garage further from the lake. One corner of the garage, on an angle, is about 15' from the edge of the road. There was discussion about whether the garage was from the distance of the road or of the right of way. It was noted that if the garage was placed too close to the road and there were any improvements made to the road that the structure might be found to be in the way of the improvements.

The Board discussed the width of the right of way and if there was a 50' right of way, that the garage might not need a variance because it would be located within the appropriate standards. P. Monziona stated that they were not sure where they were measuring from and if they were ten feet into the property or less than that.

S. Penney asked R. Senecal if the reason why he was bringing this to the ZBA was because of the recommendations of the code official. R. Senecal stated there were several garages along the street that were also set very close to the road. He noted that he was not sure if he would have survey done or what his next action would be.

MOTION:

M. Perry motioned to continue Case #Z08-20 to January 8, 2009 and P. Monziona seconded the motion. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

VIII. APPROVAL OF MINUTES

The Board reviewed the meeting minutes of October 3, 2008. There was discussion of Case Z08-12, which was noted to be continued in the meeting minutes but S. Penney noted that the case is no more. There will not be a continuance of Case Z08-12.

MOTION:

P. Monzione motioned to approve the meeting minutes of October 3, 2008 and M. Perry seconded the motion. The motion passed by a vote of four with one abstaining. (MP, TK, TM, PM / abstain - SH)

IX. NEW BUSINESS

There was review and discussion of a proposed change to the By-Laws, submitted by T. Morgan. S. Ames stated that the document could be discussed but that if changes were to be made that it would need to be posted on the next agenda.

M. Perry spoke about her concerns with reviewing applications as a Board. She asked what the procedure was in the Planning Department and noted that it came to the Board knowing it was on the shoreline. S. Ames noted that the Zoning Board does not have regulations or requirements for survey plans from licensed surveyors to be submitted by applicants. There was discussion about possibly having a specific workshop for changing the requirements for the submissions and the formats of submissions. The Board decided to meet one hour early before the January 8, 2009 ZBA meeting for a workshop to review and discuss requirements for applications.

S. Perry asked what the role of the Board was in the deliberations and in their discussion of cases. She spoke about her concerns for protocols and making sure it was not out of order. It was felt that the question should be presented to the town attorney.

MOTION:

T. Morgan motioned for Paul Monzione to be the Vice Chair of the Board and M. Perry seconded the motion. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

MOTION:

M. Perry motioned for Tim Kinnon to be Clerk of the Board and P. Monzione seconded the motion. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

X. CORRESPONDENCE

S. Penney announced that this coming Monday, Attorney Sessler would be speaking to the Planning Board at 5:30 PM. She announced that on Wednesday, Lakes Region Planning Commission would be presenting information on view sheds at 6:30 PM at the Town Hall.

XI. ADJOURNMENT

MOTION:

P. Monziona motioned to adjourn and T. Kinnon seconded the motion. The motion passed by unanimous vote. (MP, TK, TM, PM, SH)

The meeting adjourned at 8:38 PM.

Respectfully Submitted,

Krista Argiropolis
Recorder, Public Minutes