

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING MINUTES - APPROVED  
December 6, 2018, 6:00 P.M., Alton Town Hall**

**CALL TO ORDER**

Paul LaRochelle called the meeting to order at 6:00 P.M.

**Board Members Present:**

Paul LaRochelle, Chairman  
Lou LaCourse, Vice-Chairman  
Frank Rich, Alternate

**Others Present:**

John Dever, III, Code Official

**APPOINTMENT OF ALTERNATES**

Paul LaRochelle shared with the Board that Tim Morgan might be an hour delayed to tonight's meeting. He also noted that Paul Monzione could not attend tonight's meeting due to a prior engagement that he had to attend.

Paul LaRochelle appointed Frank Rich as a full voting member for tonight's meeting due to Tim Morgan and Paul Monzione's absence.

**Lou LaCourse MOVED to approve the appointment of Frank Rich as a full voting member for tonight's meeting.**

**Paul LaRochelle seconded. Motion PASSED with a vote of (2-0-0).**

**STATEMENT OF THE APPEAL PROCESS**

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

**DISCUSSION:**

Paul LaRochelle pointed out that since there was not a full Board present at the meeting, he asked if the applicants for Cases Z18-29 & Z-30 would like to wait until a later time during the meeting to present their cases in order to wait for Tim Morgan to arrive. Thomas W. Varney, P.E., stated that it was fine with them.

**APPROVAL OF AGENDA**

Paul LaRochelle asked John Dever, III, if there were any changes to the agenda since it was posted. John Dever, III, addressed Case Z18-32. He stated that the applicants wanted to table their application in order to amend it to request a Variance instead of a Special Exception. The applicant will re-notice the abutters and the newspaper and will appear at the next scheduled meeting on January 3, 2019.

**Lou LaCourse MOVED to accept the agenda as amended: to move Cases #Z18-29 & Z18-30 to further in the agenda in order to wait for Tim Morgan’s arrival, and to table Case #Z18-32 to allow the applicant to request a Variance instead of a Special Exception. Frank Rich seconded. Motion PASSED by a vote of (3-0-0).**

**NEW APPLICATIONS**

<b>Case #Z18-31 Marty &amp; Cathy Ann Williams, Owners</b>	<b>47 Rand Hill Road Map 34 Lot 14</b>	<b>Variance Residential (R) Zone</b>
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A Variance is requested from **Article 300 Section 327A. 2.** of the Zoning Ordinance to permit the construction of an open deck at the front and side of the home that will be within the 25’ right-of-way setback.

The chairman read the public notice for the record.

Present were Marty Williams and his wife Cathy Williams, owners.

Marty & Cathy Williams came to the table. Lou LaCourse noted that normally, the Board would offer the applicant to move their application to the following month if there were only three (3) Board members present. He asked if the Board had to accept the application first. John Dever, III, stated that the Board had to accept the application before they could continue it.

**Lou LaCourse MOVED to accept application # Z18-31 as complete. Frank Rich seconded. Motion PASSED with a vote of (3-0-0).**

Lou LaCourse again explained to Mr. & Mrs. Williams that normally the Board offered applicants the option of moving their case to the following regularly scheduled meeting if they wanted to. The reason for that was if there was only one (1) dissenting vote out of three (3), the application request would be denied. Lou LaCourse pointed out that there would be no additional cost to them. Frank Rich stated that a full Board consisted of five (5) members. Paul LaRochelle thought that there was an advantage to the applicant having a full Board present.

Cathy Williams asked if they went ahead with the three (3) member Board and the application was denied, did she have another chance to reopen her case and do it again. Paul LaRochelle, Lou LaCourse, and Frank Rich all stated, no. Marty Williams asked if they could wait until Tim Morgan’s arrival. John Dever, III, stated that he did not see any reason why they could not.

Paul LaRochelle stated that the Board did not mind moving this case to further in the agenda. He noted that if Tim Morgan did not attend the meeting, they had the option to appear at the next meeting with no additional costs.

DISCUSSION:

Lou LaCourse noted that at the last meeting, Paul LaRochelle had to recuse himself for Cases Z18-29 & Z18-30, due to the fact that he had conversations with the applicants prior to the meeting. Lou LaCourse informed Thomas W. Varney, P.E., that there would only be a three (3) member Board again, like last month, even if Tim Morgan arrived.

**RESCHEDULED FROM NOVEMBER 1, 2018**

<b>Case #Z18-29 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for James H. Round, Owner</b>	<b>159 Mount Major Highway Map 36 Lot 25</b>	<b>Variance Residential-Commercial (RC) Zone</b>
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A Variance is requested from **Article 300 Section 327A. 2. and 320B. 5. b. & c.** of the Zoning Ordinance to permit the expansion of a building within the twenty-five (25') right-of-way setback.

<b>Case #Z18-30 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for James H. Round, Owner</b>	<b>159 Mount Major Highway Map 36 Lot 25</b>	<b>Special Exception Residential-Commercial (RC) Zone</b>
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A Special Exception is requested from **Article 300 Section 320B. 2. c. and 320B. 5.** of the Zoning Ordinance to permit the expansion of a structure beyond the existing building dimensions.

<b>Case #Z18-33 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Outside In Construction/Jesse Lindland, Applicant; and Sherideth Seeley, Owner</b>	<b>8 Back Bay Path Map 34 Lot 33-31</b>	<b>Special Exception Residential (R) Zone</b>
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A Special Exception is requested from **Article 300 Section 320A. 4., 6., & 7. and Section 320B. 2.c. & 5.** of the Zoning Ordinance to permit the existing cottage to be torn down and replaced with a new building that has an increased height and is expanded 5' at the rear of the building.

The chairman read the public notice for the record.

Present were Thomas W. Varney, P.E., and Ruth & Stephen Smith.

**Frank Rich MOVED to accept application # Z18-33 as complete.  
Lou LaCourse seconded. Motion PASSED with a vote of (3-0-0).**

Paul LaRochelle informed Thomas W. Varney, P.E., that he had the same option to continue this application until the following meeting on January 3, 2019. After talking to his client, Thomas W. Varney, P.E., agreed to continue the application to January 3, 2019.

**Lou LaCourse MOVED to have the Board hear Other Business next on the agenda. Frank Rich seconded. Motion PASSED by a vote of (4-0-0).**

## **OTHER BUSINESS**

### **1. Previous Business:**

- a. Discussion and vote to take place on whether Steve Miller or Frank Rich (who are currently both alternates) will be voted in as the next full-voting member to fill Andrew Levasseur's vacant seat on the Alton ZBA.

John Dever, III, pointed out that the Board would not have a quorum to vote on this agenda item because Frank Rich could not vote for himself.

### **2. New Business:**

- a. Approval of the 2019 Alton Zoning Board of Adjustment meeting schedule. A vote needs to take place to reschedule the Thursday, July 4, 2019, ZBA meeting.

John Dever, III, stated that traditionally, the ZBA meeting was moved to the following Thursday.

**Frank Rich MOVED to reschedule the July 4, 2019, ZBA meeting to July 11, 2019, to adjust the new application deadline to June 20, 2019, to adjust the continued application deadline to June 27, 2019, and to adjust the newspaper notice and agenda posting to June 28, 2019.**

**Lou LaCourse seconded. Motion PASSED by a vote of (3-0-0).**

- b. 2019 Zoning Ordinance Amendments – Final Draft

John Dever, III, passed out copies of the 2019 Zoning Ordinance Amendments that would be submitted to the Planning Board at their December 18, 2018, meeting. He stated that the Zoning Amendment Committee (ZAC) did a lot of work on the nonconforming ordinance because it needed some fine-tuning. A section was added called "Product Storage Area", which is mainly for large items that would be distributed elsewhere, like large storage containers.

- c. Petition on 2018 Warrant Article #7.

John Dever, III, stated that there was a petition submitted that was asking to rescind Warrant Article #7 that was adopted this past March, which changed the frontage in the Lakeshore Residential Zone. The warrant article included an increase from 30' to 50' on the lakeshore lots, and on the non-lakeshore lots the frontage decreased from 150' to 75'. The logic in that was since it was a residential zone and the lots were limited to 30,000 s.f. minimum, that it was more in line with the other residential zones where the frontage was 75'. The petition was asking for that change to be rescinded. The Planning Board needed to either recommend the changes, or not recommend.

3. Approval of Minutes: November 1, 2018

John Dever, III, noted that the last name of Favour was spelled wrong; it was spelled Fauver.

**Lou LaCourse MOVED to accept the minutes of November 1, 2018, as amended.  
Frank Rich seconded. Motion PASSED by a vote of (3-0-0).**

Paul LaRochelle informed the public that the Board would take a short recess at 7:02 pm. Thomas W. Varney, P.E., stated that he would wait another 15 minutes for Tim Morgan to arrive.

The Board resumed the meeting at 7:20 pm. Paul LaRochelle suggested that all of the cases that had not been heard, Z18-29, Z18-30, Z18-31, and Z18-33 be continued to the next scheduled meeting on January 3, 2019, with no additional costs to the applicants. Thomas W. Varney, P.E., stated that he wanted to reschedule to January 3, 2019.

4. Correspondence:

**ADJOURNMENT**

**At 6:36 P.M., Lou LaCourse MOVED to adjourn.  
Frank Rich seconded. Motion PASSED by a vote of (3-0-0).**

Respectfully submitted,

Jessica A. Call  
Recording Secretary

Minutes approved as submitted: January 3, 2019