

MINUTES APPROVED March 6, 2008

**Call to Order:** by Paul Monzione at 6:08 p.m.

**Members Present:** Paul Monzione, Steve Hurst, David Schaeffner, -Alternate, Sharon Penney-Town Planner, Stacey Ames-Planning Assistant, Carolyn Schaeffner

**Appointment of Alternates:** David Schaeffner appointed for Marcella Perry.

Case Z07-22 for Ernest Gillan, Jr., at the applicant's request has been continued to March 6, 2008.  
Case Z08-04 for Gary and Carol Anderson at the applicant's request has been continued to March 6, 2008.

Case Z08-06 for Joyce Wood, Kirby Wood and Roger Nutter at the applicant's request has been continued to March 6, 2008.

**Approval of Agenda:** Motion by D. Schaeffner to approve the agenda as amended. Second by S. Hurst. No discussion. Vote unanimous.

**Statement of the Appeal Process:**

Paul Monzione read a brief 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 gage 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 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.

P. Monzione reminded the public present to sign in.

**Case Z08-01** **Map 32, Lot 26** **Special Exception**  
**Donald Lacrois and Karen O'Brien** **53 Riverlake Street**  
Application submitted by Patrick Wood of Patrick Wood Law Office, PLLC, on behalf of applicants Donald Lacrois and Karen O'Brien to request a Special Exception from Article 300, Section 320.B.2(c) to permit the renovation and expansion of a single family structure. This property is located in the Rural Zone.

**Case Z08-01** **Map 32, Lot 26** **Area Variance**  
**Donald Lacrois and Karen O'Brien** **53 Riverlake Street**  
Application submitted by Patrick Wood of Patrick Wood Law Office, PLLC, on behalf of applicants Donald Lacrois and Karen O'Brien to request an Area Variance from Article 300, Section 320.B.2(a) and Section 327.A.3 to permit the renovation and expansion of a single family structure. This property is located in the Rural Zone.

Present for this case: Patrick Wood, Donald Lacroix, and Karen O'Brien.

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P. Wood indicated he understood the property was located in the Rural Residential Zone.

S. Penney noted it may be a clerical error.

P. Wood stated asking for two things tonight, Special Exception and Area Variance.

P. Monziona noted they will deal with the Special Exception first and depending on the determination they will deal with the Area Variance.

Planner Notes indicate the Variance application still needed an original signature. This was done at this point during the meeting.

**Motion** by David to receive the application for Case Z08-01 and Case Z08-03 as complete. Second by S. Hurst. No discussion. Vote unanimous.

P. Wood presented this is a single story house, propose to expand and add a second story, build out toward Merry Meeting river within the 30 foot setbacks of the river. Special Exception is for that expansion and renovation of the property. They are asking for a Variance for a small corner of the proposed addition, which would be in the Northeasterly corner of the house and the Variance is requested because the house, itself, is within the side setback and in order to make the expansion they are requesting they would go over about 2.5 feet into the setback. Total area 11.78 square feet. For the Special Exception a plat has been submitted showing existing perimeter with deck, part of which will be removed. Total area removed 12.93 plus 2.87 square feet for about 15 square feet. They are adding into the other setback just over 11 square feet. Specific site is appropriate for the use. Lots are small – this lot contains two lots in the original subdivision. The existing structure will be renovated and expanded in the area of the lot that is within the applicable setback requirements except for the northeast corner where the 5.79 square feet, that would be about 7.5 feet from the northerly side setback. In addition, the property would be no closer to the side lot than the existing structure. The lot is less than ¼ of an acre. The house was built around 1965. One car garage. Served by municipal water but has it own septic system. Neighbors have been talked to and there are no objection to the proposal. Improving the structure will increase its value substantially, which will also improve values of abutting properties. No undue nuisance or serious hazard to pedestrian or vehicular traffic including the location and design of access ways and off street parking. Same footprint on street side only. This is just going up one story and a little closer to Merry Meeting river. Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Adequate area for safe and sanitary sewerage disposal. Consistent with the spirit of the Ordinance and the intent to the Master Plan. In keeping with “smart growth”. The Area Variance is being asked to allow a small trapezoidal area for a corner of the house to keep the line of the house straight. Denial of the Variance would result in unnecessary hardship to the owner. The set-back requirements are shown on the plan as a dashed-line. In order to provide a continuous construction line and keeping the same relative position of the northerly wall of the house, we would request permission to extend that line approximately 2.5 feet beyond the existing house line, still within the 10 foot setback area. Part of the deck currently encroaches in two places within the 30 foot setback. They are shown on the plan as well. The first is the 12.93 square foot area and the second is the 2.87 square foot area. Those encroachments will be removed so that all the property, the buildings and the decks will be outside of

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that 30 foot setback from the Merry Meeting River. Benefits sought by the applicant cannot be achieved by some other method reasonably feasible other than an area variance. There will not be any impact on neighboring properties and they also have been contacted about this project and have no objection. Proposed expansion is in harmony with the Zoning Ordinance and the intent of the Master Plan. Impact will be in keeping with the character of the district. Referred to pictures of nearby structures that will similarly be the type of structure they are proposing. Variance would not be contrary to the public interest. Substantial justice will be done by allowing this Variance. Does not diminish the value of surrounding properties. Improving of this structure has a positive impact on the surrounding properties.

P.Monziona confirmed some general facts with the applicant.

D. Schaeffner asked about additional bedrooms.

K. O'Brien noted they are keeping two – moving bedrooms only.

S. Hurst about if this additional story will be affecting any view sheds and if it is under 35 feet. Also asked about the septic.

K. O'Brien confirmed this will not affect the viewshed and staying within the 35 view height requirement. Noted the septic is fairly new, 1000 cement tank and was tested when they purchased the property 7 years ago.

P. Monziona confirmed they will use Best Management Practices.

P. Wood confirmed this as well.

K. O'Brien noted the land has been surveyed.

Open to the public for anyone in favor or opposition for the Special Exception or the Area Variance. None seen or heard. Public input closed for both applications.

#### Special Exception Deliberations

After reviewing the petition and after hearing all of the evidence and by taking into consideration personal knowledge of the property in question, the Town of Alton Zoning Board of Adjustment has determined as follows:

1. A plat has been accepted by the Planner in accordance with Alton Zoning Ordinance Section 420 b. and a recommendation has been made. **All agree.**
2. The specific site is an appropriate location for the use. **All agree.**

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3. Factual evidence is not found that the property values in the district will be reduced due to incompatible uses. **All agree.**
4. There is no valid objection from abutters based on demonstrable fact. **All agree.**
5. There is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. **All agree.**
6. Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure. **All agree.**
7. There is adequate area for safe and sanitary sewage disposal and water supply. **All agree.**
8. The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. **All agree.**

**Motion** by D. Schaeffner to grant the application for Special Exception for Case Z08-01. Second by P. Monziona. Discussion – amendment – with the condition that the two non-conforming decks be removed as proposed. Second by S. Hurst. Vote unanimous.

Area Variance Deliberations

After reviewing the petition and after hearing all of the evidence and by taking into consideration personal knowledge of the property in question, the Town of Alton Zoning Board of Adjustment has determined the following:

<b><u>Criteria</u></b>	<b><u>Statement</u></b>
Public Interest	The variance will not be contrary to the public interest. <b><u>All agree.</u></b>
Spirit of the Ordinance	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. <b><u>All agree.</u></b>
Substantial Justice	By granting the variance, substantial justice will be done. <b><u>All agree.</u></b>
Value of Surrounding Properties.	The request will not diminish the value of the surrounding properties. <b><u>All agree.</u></b>
Hardship – Boccia	<ol style="list-style-type: none"><li>1. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property, and</li><li>2. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance. <b><u>All agree.</u></b></li></ol>

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Summary statement (no vote needed): Based on the above analysis, special conditions do exist such that the literal enforcement of the Zoning Ordinance results in unnecessary hardship.

**Motion** by S. Hurst to grant the Area Variance for Case Z08-03. Second by D. Schaeffner. No discussion. Vote unanimous.

**Case #Z08-02  
Corrine Claunch**

**Map 23, Lot 3**

**Special Exception  
41 Rustic Shores Road**

Application submitted by Thomas Varney of Varney Engineering, LLC on behalf of the applicant Corrine Claunch to request a Special Exception from the Town of Alton Zoning Ordinance, Article 300, Section 320 B.2 & C to provide a full basement under cottage and change the pitch of the roof. This property is located in the Rural Zone. This is continued from January 3, 2008 meeting.

Present for this case: Tom Varney, Corinne Claunch, and Jim Varney.

**Motion** by D. Schaeffner to receive the application for Case #Z08-02 as complete. Second by S. Hurst. No discussion. Vote unanimous.

**Motion** by D. Schaeffner to grant the waiver 7.2.9 (survey accuracy). Second by S. Hurst. No discussion. Vote unanimous.

**Motion** by D. Schaeffner to grant the waiver 7.2.11 (certification by licensed land surveyor). Second by S. Hurst. No discussion. Vote unanimous.

T. Varney presented they are replacing a pier foundation to a full basement foundation and to also change the roof line adding a steeper pitch to allow for more head room. The roof peak will be well under the 35 foot height allowed. Upgrade the holding tank to a 2000 gallon State approved tank. The lot is to be regraded with the septic system and the new foundation. NH native shoreland plantings are to be placed along the shoreline and rain and gutter downspouts for drainage and erosion control BMP will be implemented. Building will be lifted approximately 5 feet but not expanded outside the footprint. The septic design has been approved. This is a small lot. Submitted plans to the Shoreland Protection to meet their requirements. They are asking to take the existing cottage (referred to pictures) and raise it up and put a full foundation underneath which raises the grade outside 5 feet from where it sits now. This will allow to the doors to close as the piers heave and move as the soil is not good in that area. Plans have been submitted that also show the changing of the roof line. They have extensive plans for regarding the lot to meet the Shoreland requirements. Confirmed the all the requirements for a Special Exception. Tree chart indicated 6 of 23 trees to be removed.

Opened to public in favor and opposition.

None seen or heard. Public input closed.

Special Exception deliberations.

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After reviewing the petition and after hearing all of the evidence and by taking into consideration personal knowledge of the property in question, the Town of Alton Zoning Board of Adjustment has determined as follows:

1. A plat has been accepted by the Planner in accordance with Alton Zoning Ordinance Section 420 b. and a recommendation has been made. **All agree.**
2. The specific site is an appropriate location for the use. **All agree.**
3. Factual evidence is not found that the property values in the district will be reduced due to incompatible uses. **All agree.**
4. There is no valid objection from abutters based on demonstrable fact. **All agree.**
5. There is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. **All agree.**
6. Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure. **All agree.**
7. There is adequate area for safe and sanitary sewage disposal and water supply. **All agree.**
8. The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. **All agree.**

**Motion** by D. Schaeffner to grant the Special Exception for Case Z08-02 with waivers. Second by S. Hurst. No discussion. Vote unanimous.

**Case #Z08-05**  
**Dean & Teresa Puzzo**

**Map 11, Lot 25**

**Special Exception**  
**Lakewood Drive**

Application submitted by Arthur Hoover of Alton Law Office, PLLC on behalf of the applicants Dean and Teresa Puzzo to request a Special Exception from Article 300, Section 328C to allow a cupola to exceed height restrictions. This parcel is located in the Rural Residential zone.

Present: Melissa Guldbrandsen, Dan Martin, Teresa Puzzo.

David Schaeffner noted if Melissa Guldbrandsen had a conflict of interest with his sitting on the Board with regard to his dealings with Alton Law Offices.

M. Guldbrandsen noted she does not have any objections.

**Motion** by D. Schaeffner receive the application for Case #Z08-05 as complete. Second by S. Hurst. No discussion. Vote unanimous.

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**Motion** by D. Schaeffner to grant the waiver for the plat requirement as this is a cupola and a rendering has been provided to the Board. Second by S. Hurst. No discussion. Vote unanimous.

M. Guldbrandsen stated this cupola is 3 feet tall and 5 feet across. On top of the cupola will also be a lightning rod. This is just a decorative cupola designed into the house from the beginning and there is no residential use of that component. It will not be occupied. It will provide ventilation. It is on top of an octagonal room and this was the most aesthetically pleasing way to cap the room. It will not be lit but it will have functioning louvers that provide for the ventilation. The overall house has been designed to be harmonious with the site. The applicants are using natural materials on the outside and using natural colors. The house is still under construction. Plan for structure to blend in with the site. Extensive planting plan. Presented affirmative arguments for the seven items under the Special Exception. The cupola has been part of the original plans on which they received a building permit. The cupola does exist right now. They are here tonight under the request of the Code Enforcement Officer to get a Special Exception. Distribute a photo of the cupola. Noted this will not be a hazard to the Laconia or Alton Bay airports.

Open to the public for input in favor or opposition of this application.

None seen or heard. Public input closed.

Special Exception deliberations.

After reviewing the petition and after hearing all of the evidence and by taking into consideration personal knowledge of the property in question, the Town of Alton Zoning Board of Adjustment has determined as follows:

1. A plat has been accepted by the Planner in accordance with Alton Zoning Ordinance Section 420 b. and a recommendation has been made. **All agree.**
2. The specific site is an appropriate location for the use. **All agree.**
3. Factual evidence is not found that the property values in the district will be reduced due to incompatible uses. **All agree.**
4. There is no valid objection from abutters based on demonstrable fact. **All agree**
5. There is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. **All agree.**
6. Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure. **All agree.**
7. There is adequate area for safe and sanitary sewage disposal and water supply. **All agree.**

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8. The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. **All agree.**

**Motion** by D. Schaeffner to grant the Special Exception for Case Z08-05 with the waiver. Second by S. Hurst. No discussion. Vote unanimous.

**Other Business**

P. Monzione asked the approval of the minutes be continued when a full board is present.

S. Penney presented an Old Business item. The Frenette case. It required a Special Exception to tidy up the paper work that has been a problem.

S. Ames stated Karen Frenette submitted an application for an appeal for denial of a building permit. Her application was incomplete and she was able to process it. She tried to telephone her to let her know the abutter list was inaccurate and to come in and correct the problem, however, the number she was provided was not a working number. A return receipt letter was also sent explaining the situation asking her to contact the Planning Office a day before she was to submit her legal notice to the paper. (Over a week). The Return Receipt was never received back as received by K. Frenette. She came in two days before this meeting and was told she was not on the agenda. She was very upset due to the fact that this is a financial burden to her circumstance. The Planning Office has bent over backwards to help her and it has not been reciprocated. She is requesting an emergency meeting before March of 2008.

General discussion of the situation.

P. Monzione read the request letter into the record.

P. Monzione stated he is not sure on how to request a Special Hearing. However, he is willing to meet before the end of February to help.

D. Schaeffner asked what the precedent is on setting emergency meetings.

S. Ames noted a procrastination on the applicant's part does not constitute an emergency on the Planning Office and Board's part. She has discussed this with the Town Administration and Selectmen. It is not been discussed with Town Counsel.

Agreed to set a date for February 27 at 7 p.m. All three members present are available on that date. P. Monzione suggested the other members of the Board to be contacted.

**Motion** by D. Schaeffner to adjourn. Second by S. Hurst. No discussion. Vote unanimous.

Respectfully submitted,

Carolyn Schaeffner  
Recording Secretary



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