

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
Public Hearing
March 6, 2014
Approved as amended 4/3/14**

I. CALL TO ORDER

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

II. INTRODUCTION OF CODE ENFORCEMENT OFFICER AND ZONING BOARD MEMBERS

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

John Dever, Code Enforcement Officer
Tim Kinnon, Member
Lou LaCourse, Member
Steve Miller, Member
Paul Larochele, Alternate

III. APPOINTMENT OF ALTERNATE

S. Miller made a motion to appoint P. Larochele as a member for this hearing. L. LaCourse seconded the motion which passed with all votes in favor, none opposed, and no abstentions.

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

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

VI. NEW APPLICATIONS

Case #Z14-01 Robert M. and Patricia M. Norton	Variance Map 34/Lot 26	29 & 33 Spring Street
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On behalf of Patricia M. & Robert M. Norton, Bryan L. Bailey Associates, Inc and Cynthia McClelland and Jim Mankus are requesting a Variance to Article 400, Section 433 D&G to create a lot without municipal sewer that has less than 150 feet of frontage and to create a lot which does not contain 25% of the minimum lot size of buildable area, which is not steeper than 25%. This property is located in the Residential Rural and Residential Zone.

P. Monziona 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 all votes in favor, none opposed, and no abstentions. The application has been accepted as complete.

B. Bailey, acting as agent for this application came forward. He wanted to review how this property came to exist in its present position. The property that Patricia and Robert Norton own was created in the 1920's. The last deed was 1987. The property was identified as being 300' along Spring Street and 200' deep. In 1984 B. Bailey located the corner pins by survey. There was a boundary line adjustment made in 2004 between the Nortons and land of Brad and Margaret Jones that is behind this property. That plan was recorded in the registry of deeds and the deeds were past in early 2004. The original 300' by 200' lot was in fact only 1.3 acres tract of land. In January of 2004 there was only one home on this property. In December of 2004 the second home came along with the septic system and leach field constructed. At that time the land was 300' wide along the roadway by 200' deep. Then a boundary line adjustment took place in early 2004 to make the property a 2 acre tract of land and then in the middle of 2004 a permit was secured and a second home was placed on this property. We come today to subdivide this property into two separate and distinct tracts of land with two variances. P. Monziona questioned once the single lot was subdivided into two separate lots, with regard to the lot that a building permit was obtained and a single residence built on that, what was the road frontage of that lot at that time. B. Bailey explained that they are here to subdivide into two lots. It has never been two lots. P. Monziona asked if there was any designation of that lot. B. Bailey states no. At the time Zoning allowed multiple homes on a single lot. No past action has been outside of what was allowed by zoning and permits. Today the process at the bank does not allow a mortgage for two homes on a single tract of land. It needs to be separate properties. Patricia and Robert Norton are brother and sister they own the property today as tenants in common not jointly. S. Miller asked if each home owns 100% of each side or they each own 50% of both sides. B. Bailey stated that being owners in common you could never identify which piece of property was owned solely by one. You can state it's half mine and half yours but you cannot identify which half it is. They would like to sell it as individual standalone lots of record. In this zone to meet the current zoning regulations you have 150' of road frontage per lot and that each lot in this zone should have 1 acre of land. Further conditioned by, that no portion of the one acre can be greater than 25% slope. In this case one quarter acre on each lot has to be less than 25% slope. The unique circumstances that are out here are, the pins that measured the 300' by 200' lot do not measure 300'. They measure as shown on the submitted plan, 298.71. P. Monziona question if this was total road frontage. B. Bailey stated yes, which is identified on the deed as 300'. Its only 1.25' shy of being correct. The front lot corner pins found don't align with the right of way. The left front corner pin is some 10.5' into the right of way. On the right hand side of the property it is .3' into the right of way. This is very common. There is not 300' of frontage yet we are supposed to have 300'. S. Miller questioned 10' of the 125' go to the center of the right of way. B. Bailey states the 10' is in the right of way not along the right of way. The pin is in the wrong spot. In the 1920's there was an excellent layout of Spring St. B. Bailey tied into it to sort out the Jones layout. P. Monziona asked B. Bailey if he used the pins to determine the boundary and the pins gave him the 298.71 measurement. B. Bailey states correct. B. Bailey explained that it was easier to identify the land that was compliant of the 25% slope by drawing hash marks on the map showing the compliant area. The bulk of this property is straight up the hillside which is found behind most of the lots on Spring St. P. Monziona asked about the hash marks on the map and stated that most are closest to the structures. B. Bailey stated that was correct. B. Bailey states that on the left hand lot Lot 26-00 there is only .16 acres of land that is less than 25% slope and on the right lot Lot 26-01 the buildable area with less than 25% slope is .23 acres. P. Monziona asked what that translates on each lot in terms of percentage of the lot. B. Bailey stated the required lot size is one acre. The buildable area is 25% of one acre which is .25 acre. On the right hand side the land is about 95% there. We are .002 of an acre shy of being compliant. And on the left hand side it's .16 and we need .25 to be compliant. So that piece is in the 60% range. P. Monziona questioned whether there was a way to configure these lots to be more compliant. The way P. Monziona reads the Regulation is that lots created after March 2007, must have a minimum buildable area made up of contiguous upland and slopes of no great than 25% or not less than 75% of minimum lot requirement of the zone. P. Monziona interprets the rule as 25% of buildable land not 25% of an acre. B. Bailey understands but he does not interpret it that way. There is much discussion about the interpretation of the regulation. B. Bailey

explains new division line to accommodate both lots. S. Miller asked what the size of the building is on the 125' section. B. Bailey states it's a full size house. J. Dever has the tax cards with the information along with photographs of 29 and 33 Spring St. S. Miller asked what the hardship would be if the variance would not be approved. B. Bailey stated they would be unable to obtain a mortgage. T. Kinnon asked about the ownership of the property. James Mankus came forward to respond. He is the nephew of Robert and Patricia Norton. He wants to purchase the property. T. Kinnon stated on paper it looks good but there is a shared septic. There are no plans for separate septic. B. Bailey stated in early spring 2003 there was an approval for the septic dated 12/28/04. At the time of this plan B. Bailey assumes that there was no other way other than to share the septic. T. Kinnon asks what happens if one owner wants to sell. B. Bailey said it is designed for both homes and there is a shared well. The well is on one lot and the septic is on the other. P. Monziona questioned whether these lots would accommodate separate septic and well. B. Bailey states no. B. Bailey states it will not be contrary to the public interest. The request is in harmony with the master plan because the new home has already become a member of the neighborhood. The regulations have changed to have one home on each lot. By granting justice will be done because it will be going to a family member. The request will not diminish the value. There will be no change in the property; the unnecessary hardship will be to the property owners. To the general public sees this property as two separate lots. P. Monziona read the Hardship criteria. P. Monziona stated that B. Bailey stated his position is that of the zoning regulations of the Town of Alton permitted this to be the case. B. Bailey agrees that it is. P. Monziona talked about setbacks and structure. B. Bailey said this is correct. P. Monziona asked to what extent is B. Bailey seeking the variance. B. Bailey has identified 1.6 acres that is less than 25% and there is no other way to comply. S. Miller talked about looking out for the interest of Alton. He doesn't look at this as a family compound just 2 separate lots sharing a septic system. His concern is the value of this property to be unsaleable in the future. B. Bailey responded with a bottom line that what is there today will be there tomorrow. He also stated whether it is maintained in the family or not, nothing physical is changing. Potential buyers do not have to buy because of this. They can walk away. This is not unusual. Legal professionals will be able to put the words together for future buyers. J. Dever said it not an unusual circumstance in Alton.

P. Monziona opened the floor to public input.

J. Mankus approached the Board and identified herself as the mother of Jim Mankus and the sister of Patricia and Robert Norton. She wants to give a history of how the land came about. Her mother came up with all of the children in 1943 with a love for the Lakes Region. They had a little cottage in the camp grounds and they came back the next year and renting the cottage again. And the fire of 1945 occurred the next year, the cottage we were renting burned down. In 1951 the mother went looking for land and found a half built camp up on Spring St. and bought the land adjacent to the house, number 29. With intentions to bring everyone up to enjoy vacations. At that time she had her eye on the property where #29 is. When it became available she bought the land, that's where the 300 x 200 lot came from with the desire that if any of the children wanted to move up and live there. We inherited it and all the grandchild gradually came. Her desire was to get enough land so that anybody who wanted to come up and build would be able to live in New Hampshire. The original house was deeded to J. Mankus and I have now passed it on to my children. So now they are some of the abutters of this house.

There was one party in favor of and no opposition to this application being granted. P. Monziona closed the public input.

DISCUSSION

Board members deliberated. P. Monziona saw no concerns with the septic. What is decided tonight is not influenced by the owners, the lot will be considered as any other property, family owned or not. This property is creating two lots that do not comply with zoning and once that happens can be sold just like any other lot and will be there presumably for ever. What we do here tonight isn't influenced by the owners or whether it is going to stay in the family. L. LaCourse voiced concern about septic being for 4 bedrooms and what would happen if additional bedrooms were requested. P. Monziona explained the owners would have to go at that point to the Coding Department and have a State designed septic for approval.

WORKSHEET

P. Larochelle stated that the variance will not be contrary to the public interest. This is going to be a continuation of what already exists. T. Kinnon and P. Monziona agreed and L. LaCourse agreed stating there is no physical change to the property. All agreed.

T. Kinnon stated that 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. T. Kinnon states this property skirts this a bit due to the Zoning Ordinance being designed to have lots with 75 % buildable area on them. However where these structures are existing, the septic and water is in place and does not feel any adversity affects the health safety or the character effects the District in any way shape or form. P. Monziona agrees. On one lot there is more than required road frontage and on the other you've got 25' but overall the configuration of these two lots ends up improving the convenience, health, safety and character of the District. S. Miller, P. Larochelle and L LaCourse agreed.

P. Monziona stated by granting the variance, substantial justice will be done. To be clear by substantial justice I am not referring to the owners' ability to obtain a bank mortgage. I think substantial justice here refers more to the more appropriate use of this lot where two dwellings would not be permitted under current law. This is becoming more in compliance with our current zoning regulation by creating two separate lots with a single dwelling unit on each. So I think this is in more compliance with our law and therefore substantial Justice will be done. All agreed.

L. LaCourse stated the request will not diminish the value of the surrounding properties. There is no physical change to the buildings and it is only a lot line. There will be no change to the surrounding properties whatsoever. S. Miller and P. Larochelle agreed. T. Kinnon agreed also but wanted to add about what S. Miller talked about earlier the possibility of diminishing the value of the property itself. He could see the potential for that with a shared septic and shared well will probably limit the potential pool of buyers, but it will not diminish the value of surrounding properties. P. Monziona agrees and notes that there was nothing in our record and no evidence was presented by any members or the public that would establish that it would.

S. Miller stated a fair and substantial relationship exists between the general public purposed of the ordinance provision to the property. Frontage is only variable by two or three feet. That one large lot that was grandfathered in with both homes to remain a residential property. The proposed use is a reasonable one. There is harmony with the use of both septic and well by each property. All agreed. P. Monziona pointed out the special conditions of the property is the topography is steep. Making it into two separate lots makes it more consistent.

T. Kinnon motioned to grant the application with S. Miller second. P. Monziona requests that the motion be amended to include the condition that the applicant will assure that the appropriate deeds with appropriate language will be drawn. T. Kinnon agreed with amendment with S. Miller seconded.

P. Monziona stated the application was approved and granted unanimously.

P. Monziona notified the applicants that after 10:00 PM no new applications would be voted on.

Case #Z14-02	Special Exception	5 Lamper Road
Allen D. & Eric A. Morrill	Map 24/ Lot 14	

On behalf of Allen D. & Eric A. Morrill, Paul F. Zuzgo, LLS is requesting a Special Exception to Article 400, Section 401 to permit a trade or repair shop. This property is located in the Rural Zone.

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

L. Lacourse made a motion to accept the application as complete with a seconded by S. Miller. The motion by unanimous vote is accepted.

A. Morrill approached the committee and stated that P. Zuzgo, LLS was unavailable to come.
A. Morrill stated his presentation was on the plans. J. Dever stated that this is a special exception and once/if approved it will be brought before Planning for review. L. Lacourse asked what was behind the proposed garage. A. Morrill states nothing but raw land. S. Miller asked if A. Morrill intends to store equipment in the proposed building. Yes was his answer. T. Kinnon asked about a bathroom. A. Morrill lives on the property and does not intend to install one. P. Monziona discussed the plan and that he would stick to the dimensions on the plan. A. Morrill stated it would have frost walls. There were no more questions from the Board members.

P. Monziona opened public input.
No one spoke for or against application and closed public input.
No discussion took place, worksheet started.

WORKSHEET

T. Kinnon stated that a plat has been accepted in accordance with the Town of Alton Zoning Ordinance section 520 B. All agreed.

P. Monziona stated the site is an appropriate location for the use. The Zoning regulations permit this use by special exception. All agreed.

L. Lacourse stated factual evidence is not found that the property values in the district will be reduced due to incompatible uses. S. Miller stated property values may go up. P. Monziona agreed on condition the equipment is stored indoors. All agree.

S. Miller stated there is no valid objection from abutters and there are no abutters present. All agreed

P. Larochelle stated there is no undue nuisance or serious hazard to pedestrian or vehicular traffic including the location and design of access ways and off/on street parking. All agreed

T. Kinnon stated adequate and appropriate facilities and utilities will be provided to ensure proper operation of the proposed use or structure. P. Monziona state there is adequate and appropriate facilities and utilities based on the information that there will be no water supply or utilities. All agree.

P. Monziona stated there is adequate area for safe and sanitary sewage disposal and supply because there isn't going to be any water supply or sewerage based on the applicant. All agree

L. Lacourse stated the proposed use of structure is consistent with the spirit of this ordinance and the intent of the Master Plan. The addition of this structure would not change the area in anyway. T. Kinnon stated where the use is allowed by Special Exception it is within the Mater Plan. All Agree.

S. Miller motioned to accept the Special Exception as presented. T. Kinnon seconded the motion which passed with all votes in favor, none opposed and no abstentions.

P. Monziona stated the application was approved and granted unanimously.

Case #Z14-03 Kendall Stapley	Variance Map 39/Lot 44	18 Leigh Drive
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Kendall Stapley is requesting a Variance from Article 400 Section 401 of the Zoning Ordinance to permit a home based part time business in Lakeshore Residential Zone.

P. Monziona read the application into the record.
The Board reviewed the application for completeness. P. Monziona asked if there were any questions regarding the application. None replied.

S. Miller made a motion to accept the application as presented. T. Kinnon seconded the motion which passed with all votes in favor, no opposed, and no abstentions. The application was accepted by unanimous vote.

Kendall Stapley approached the Board and identified himself as the owner of the property and company.

K. Stapley stated he had operated his business part time in Alton since 2000. Last fall he moved to Leigh Drive. Due to the zoning on Leigh Drive, he is no longer within the acceptance of a home business. He had a discussion with Mr. Devers about the nature of the business which is part time, with no signage, not open to the general public. Basically he needs a legal place to keep records. Because there is foot traffic, which averages 6-10 customers a year, that is why he is here tonight.

S. Miller asked what the business was. K. Stapley stated antique shooting accessories. S. Miller asked if he had firearms, class c license. Stapley stated he has a federal firearms license with the ATF.

P. Monziona questioned if it was a retail license. Stapley stated it is. P. Monziona asked for clarification of shooting sports and if it is a retail business. Stapley stated by definition it is. P. Monziona asked if this business involves the sale of firearms. K. Stapley said it could but generally does not. That the nature of the business is more dealer to dealer. What he is looking for is to keep his license and keep the business as a place to keep records.

P. Monziona stated that if this was granted it also enables Stapley to sell firearms from this location. Stapley said yes. It would be the same exception that he had at his previous address. Stapley mentioned he does not keep any ammunition.

P. Monziona asks the number of customers being estimated that would physically come to the address. Stapley states it's been less than ten. Average is about 6 a year. P. Monziona notes that the number could change depending on the nature of the business. Stapley states he has no intention of going full time with the business. He works full time in telecommunications and this is a part time hobby. P. Monziona questioned is it Stapleys understanding that but for the occasional visit by a retail customer to the location you would be permitted to have an in home business, that being a legal place to keep your records and to conduct your internet sales that you could do all that right now from your home in the Lake Shore Residential Zone without being in violation of the zoning regulation, what brings you here tonight, to require you to get this variance, is that you could have 6 or more retail customers coming to your place to buy stuff. Is that right? K. Stapley stated yes that is correct. The foot traffic was one concern when K. Stapley spoke with Mr. Dever.

The floor was opened to public input, both in favor of and in opposition to the granting of the application.

There was no public input, public input was closed.

DISCUSSION

S. Miller asked if the abutters were notified and was the Town Hall an abutter. K. Stapley stated yes, the lot to his right is Town owned by tax deed. J. Dever read the notice and there were no concerns by the Town Heads.

P. Monziona discussed that previously a resident came from Lake Shore Drive and wanted to see a client occasionally and it was denied. It is only being brought up for example to see what the Board has done with these issues in the past. The concern is that it becomes very difficult to restrict the foot traffic. Once the variance is granted for a business, there could be 50 cars a day coming in and out. Once it's a business it's a business. Lake Shore Residential is very strict with the table of uses. It has been discussed that you can only have a certain amount of customers but that becomes an enforcement issue. Enforcement is the issue to establish business in the Lake Shore Residential Zone. Not that the Board is bound to those decisions, every applicant is looked at separately.

S. Miller mentioned that this was by great degree for record keeping purposes only and do not want the house to be turned into a retail showroom. He recommends an amendment to show no retail showroom could be established and be used for record keeping and administrative purposes. P. Monziona pointed out that record keeping and administrative business is permitted but retail customers coming to the home, is not permitted.

This was discussed briefly. P. Monziona stated that the Lake Shore Residential has the strictest zoning area that is in the Town of Alton. The town has consistently upheld that retail business in the Lake Shore Residential has not been permitted. It is a unique area of the Town. T. Kinnon questioned a Special Exception. P. Monziona stated a variance is not granted to an individual it's granted to the property. Enforcement was discussed by all.

T. Kinnon mentioned that if it was not opened to the public, then he would consider it to be private business. L. La Course asked about if the retail part of it could be conducted off the premises. K. Stapley stated much of it yes, but he still needs to have a legal establishment, and he cannot afford an external office.

WORKSHEET

P. Monziona stated the variance will be contrary to the public interest, for the reasons just stated. L. Lacourse agrees for the same reasons, S. Miller agrees, P. Larochelle agrees with T. Kinnon because of the language in request. He believes this falls in-between a retail business and an in home internet business. P. Larochelle would like to change his vote, he agrees with the statements T. Kinnon made. So there are three against and two for.

S. Miller said the request is not in harmony with the spirit of the Zoning Ordinance, intent of the Master Plan and with the convenience, health safety and character of the district within which it is proposed. P. Larochelle disagrees. He feels it is not open to the public. It is private sales over the phone and mail. L. Lacourse asked then why are people coming to the property ten times a year. P. Larochelle stated if someone is local or shipped by mail.

T. Kinnon does not feel it will adversely affect the convenience, health, safety and character of the district within which it is proposed; I do feel it is not in harmony with the spirit of the Ordinance. The ordinance was written very stringently. He hopes this case will generate some debate. That one of his concerns on cases like this is this applicant came in and asked for a variance. Some other residents may not. Much discussion about granting a variance in Lake Shore. L. Lacourse asked if they would be setting a precedent by granting this variance. P. Monziona stated it would not be setting a precedent. Because every request is determine case by case basis based on the fact of that case. But we have never permitted retail type business in Lake Shore Residential. The applicant moved into the Lake Shore Residential Zone not the Rural Zone or any of these other Zones where this will be permitted. P. Larochelle asked if there is a moratorium on having yards sales. P. Monziona said it was a different category, enforcement vs. granting a variance. P. Larochelle disagreed.

Tally: Public interest 3/2 for will be contrary

Spirit of the ordinance is 2 say it is in harmony: 3 say it is not in harmony

Substantial justice is 2 say justice will be done: 3 say it will not be done

Values of the surrounding property 2 say it will diminish: 3 say it will not diminish

Hardship is not found by all (5).

S. Miller made a motion not to accept or issue a variance for #Z14-03 based on results of Tally. T. Kinnon seconded the motion. All voted in favor of the motion.

P. Monziona stated the application for variance is not granted.

Case #Z14-04 Vicki Howard	Variance Map26/Lot6	Rte 28 South aka 32 Suncook Valley Rd
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Vicki Howard is requesting a Variance from Article 300 Section 327:A2 of the Zoning Ordinance to permit to construct one 12' x 30' deck on the front of the deli building (building 2). This property is located in the Residential Commercial zone.

P. Monziona read the case into the record.

The Board reviewed the application for completeness. All have.

S. Miller made a motion to accept the application as presented. P. Larochelle seconded the motion which passed with all votes in favor, none opposed, and no abstentions.

Vicki Howard approached the Board and stated she was the owner of the River Run Deli and is asking for a variance due to her plan for a new deck on her business. The deck will be on the road side of Route 28. The reason for the variance is the deck will be 1 or 2 feet into the right of way set back. S. Miller asked about access and the purpose of the deck. V. Howard stated there will be a stair on the side of the deck and it will tie into the existing deck. V. Howard said there is a concrete pad there now. P. Monziona asked what the right of way was and J. Dever stated Rte 28. J. Dever stated the corner of the building is in the right of way now. The deck would make it 12 ft into the right of way. There is a concrete pad of 8 feet out now along with shrubs. P. Larochelle asked about placing the deck on the rear of the building. V. Howard said there already are table and chairs. P. Monziona asked J. Dever if the structure would cause a safety concerns or issues in regards to the road. J. Dever stated there are easements etc. If you measure the pavement the distance is longer. The deck itself would still be a fair distance from the road. P. Monziona questioned that the deck needed to be 12'. V. Howard stated in order to place table and chairs 12' is needed to properly serve customers. There were discussions regarding the distance to the road.

P. Monziona opened up to public input both in favor of and in opposition to the application.

No one spoke for or against the application and closed public input

DISCUSSION

P. Monziona stated this being a business and the front of the building should be visible. S. Miller disagrees saying it does not have to be `12' wide, it could be 8' wide and there is no advantage of having the tables out in front by the road side. He questions how much of the deck would not be compliant.

WORKSHEET

L. LaCourse state the variance will not be contrary to the public interest. All agreed
S. Miller stated the request is 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. P. Monziona said the Master Plan encourages business in town and nothing tonight has been presented to show this deck would affect the health safety or character of the District. All agree
P. Larochelle stated by granting the variance, substantial justice will be done. This will enhance the front of the building. All were pro business. All agreed.
T. Kinnon stated the request will not diminish the value of the surrounding properties. P. Monziona stated this would enhance the value. All agreed
P. Monziona stated the will be no fair and unnecessary hardship between the general public purposes of the ordinance provision and the specific application of that provision to the property and the proposed use is a reasonable one. The special conditions are the location and as a business it is best to utilize the front of the business. The proposed use is a reasonable one. S. Miller states there is a hardship issue due to the right of way being the only place the deck can be constructed. All agree.
T. Kinnon made a motion to approve the application #Z14-4 if amended that it remains as an open deck with no roof structure, however, a retractable or sunshade may be added. P. Larochelle seconded the motion with the amendment. All in favor

P. Monziona stated the application was approved and granted by unanimous vote.

Case #Z14-05 2010 Trust By the Bay Donald Roberts & Parvaneh Anderson Trustees	Special Exception Map6/Lot 18-2	Suncook Valley Road
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On behalf of 2010 Trust By the Bay, Jesse R. Lindland, Outside In Construction, Inc. is requesting a Special Exception from Article 400 Section 401 of the zoning Ordinance to permit to a trade shop and contractor equipment storage. This property is located in the Rural Zone.

T. Kinnon recused himself due to a professional relationship with D. Roberts.

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

S. Miller made a motion to accept the application as presented. P. Larochelle seconded the motion which passed with all votes in favor, none opposed, and no abstentions. The application has been accepted as complete.

S. Miller noted there was 4 people to vote may generate a 2/2 tie, and wanted to give the applicant a chance to have a continuance. P. Monziona stated that if there were to be a 2/2 tie, his understanding would be that the application would be denied. P. Monziona offered a continuance to the applicant which he denied.

Jesse Lindland came forward to present the application, and mentioned this was to be a Special Exception not a Variance as noted on the agenda. P. Monziona explained that had been addressed in the beginning of the meeting and was in fact a Special Exception. J. Lindland noted he is here to obtain Special Exception for the use of a construction business in a Rural Zone area. Area is zoned that does allow it but requires a Special Exception. He has plans, layouts, tax map and a map laying out what is proposed. P. Monziona states J. Lindland is the applicant and agent. P. Monziona explains the Board usually gets a representation to the board so they know what the structures are what they are in fact granting. He asks what the dimensions are going to be. J. Lindland stated the office will be 32 by 42 feet and the storage will be 40 by 60 feet. P. Monziona asks about the height which J. Lindland states it will comply. L. Lacourse asks about the main office building. J. Lindland states the downstairs will be mostly storage but there will be some polyurethane and painting done. The larger building will be for storage only. P. Larochelle mentioned cabinets and J. Lindland stated no. The septic and well location will be done as part of the site plan once this is approved. S. Miller asked about the wetlands and if there is the ability to get a septic plan, J. Lindland stated no plans have been done yet. There will be water and bathroom in office only.

P. Monziona opened the floor to public input.

Bob Longabaugh came up in favor of the building. Marybee Longabaugh came forward in favor of the application. D. Roberts came up in favor and read a portion of the letter he sent to the Board. He is in favor of the application. He addressed about the septic and well. D. Roberts stated when he got approval for the lot he had test pits done.

Amy Stanley came forward in opposition of the application. She is a direct abutter. She mentioned a letter which she also wrote. The Board read the letter. She stated she was assured this was Residential not Business Zoned. Her lot is back to back with the proposed lot. She is on Chamberlain Rd. Concerns are a business in a Residential area. Plans were looked at and addressed at length. S. Miller asked about the distance from the house to the boundary lines of the proposed lot. A. Stanley stated there were woods and wetlands. P. Monziona asked whether the structure could be seen from the house. A. Stanley thought so. J. Dever states that there is about 600 feet from the house to the property line. The condition of the property was discussed. P. Monziona asked if A. Stanley was aware of the size and style of the structures requested. She states yes, but it will all be a paved parking lot.

P. Monziona noted to the public that they will not be able to take any more applications tonight due to time.

The next Zoning Board Adjustment will be on April 3rd.

Andy Smith for case #Z14-07 came forward on behalf of A & J Norton and will come back April 3rd.

S. Miller motioned to approve the continuance and L. Lacourse seconded. J. Pauley for case #Z14-06 came forward and will come back April 3rd. S. Miller motioned to approve the continuance and L. Lacourse seconded.

Susan Lambert came forward in opposition of the application. She is an abutter at 48 Chamberlain Rd. Her concerns are 2 buildings on a two acre lot. The proposed structures are significantly larger than her home. She believes that most of the trees will be lost. She presented an aerial view to the Board. There was discussion about the location of the property and the aerial view.

P. Monziona closed public input.

WORKSHEET

P. Monziona stated a plat has been accepted in accordance with the Town of Alton Zoning Ordinance Section 520 B. All agree

L. Lacourse stated the specific site is an appropriate location for the use. L. Lacourse stated to condition there is an acceptable plan form the state. P. Monziona stated that the conditions will have to be met. All agree

S. Miller stated Abutters' value may be affected but a valid objection has not been found. All agree

S. Miller made a motion to accept the Special Exception with the amendment that proper septic and water supplies are installed per code. P. Larochelle seconded. P. Monziona wanted to amend the motion to include conditions that there be a tree buffer between this property and the abutter of a minimum of 30 feet as represented by the applicant. That there be no construction work performed on the site, that the cold storage building be just that and there be no toxic materials be permitted to be stored on the property and that the applicant obtain the appropriate DOT approval for the driveway. L. Lacourse wants to add that no outside heavy construction equipment should be left running. S. Miller motioned to approve the applications with the amendments and was seconded by L. Lacourse.

P. Monziona stated the application is passed with specified conditions. The motion passed with all in favor, none opposed and no abstentions.

VII. OTHER BUSINESS

- A. Previous Business: None
- B. New Business: None
- C. Previous Minutes Approved
- D. The meeting was adjourned at 11:30 p.m.

The next regular ZBA meeting will be held on April 7, 2014 at the Town Hall.

Respectfully submitted,

Pat Pizzano
Recorder, Public Session