

**TOWN OF ALTON ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING MINUTES 2019  
APRIL 4, 2019**

**APPROVED**

**Members Present:**

Paul LaRochelle, Chairman  
Lou LaCourse, Vice-Chairman  
Paul Monziona, Clerk  
Tim Morgan, Member  
Frank Rich, Member

**Others Present:**

John Dever, III, Code Official

**CALL TO ORDER**

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

**APPOINTMENT OF ALTERNATES**

The Chairman appointed Lou LaCourse as a full voting member for tonight's meeting.

**APPROVAL OF AGENDA**

**Paul Monziona MOVED to postpone the Election of Officers until after "Other Business" on the agenda.**

**Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).**

Paul LaRochelle suggested that Case #Z19-07 be heard first because the applicant for Case #Z19-06 requested to continue their Case to the May 2, 2019, meeting.

**Paul Monziona MOVED to approve the April 4, 2019, agenda, as amended.**

**Lou LaCourse seconded the motion, and it PASSED by a vote of (5-0-0).**

**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.

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**CONTINUED FROM MARCH 7, 2019**

<p><b>Case #Z19-06 Cynthia A. Johnston, Trustee of the Noble Realty Trust, Jason J. Schopper &amp; Luciana A. Rodrigues, Owners</b></p>	<p><b>Shields Way Map 37 Lot 29-2</b></p>	<p><b>Special Exception Lakeshore Residential (LR) Zone</b></p>
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A Special Exception is requested from **Article 300 Section 360. 2.**, of the Zoning Ordinance to permit the construction of a garage as the principal building on a lot in the Lakeshore Residential Zone.

The Chairman read the case for the record.

**Frank Rich MOVED to continue Case #Z19-06 to the next regularly scheduled meeting on May 2, 2019.**

**Tim Morgan seconded the motion.**

**DISCUSSION:**

Paul Monziona noted that the applicant was not present at tonight’s meeting. He pointed out that John Dever, III, had represented that the applicant contacted his office and requested a continuance. John Dever, III, confirmed that the applicant sent him the continuance request via email dated March 27, 2019.

**Paul LaRochelle asked the Board for a vote, and the motion PASSED by a vote of (5-0-0).**

<p><b>Case #Z19-07 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Brian &amp; Elizabeth Mezey, Owners</b></p>	<p><b>69 Mount Major Hgwy. Map 34 Lot 33-17</b></p>	<p><b>Special Exception Residential (R) Zone</b></p>
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A Special Exception is requested from **Article 300, Sections 320. D., G., & H.c.**, of the Zoning Ordinance to permit an existing cottage to be torn down and replaced with a new building lengthened six (6’) feet and 1.9’ taller.

The Chairman read the case for the record.

Present were Thomas W. Varney, P.E., agent; Brian Mezey, owner; and Roy Darling, contractor.

Thomas W. Varney, P.E., Brian Mezey, and Roy Darling came to the table. Paul LaRochelle mentioned that the Board had accepted this application as complete at the previous meeting. Thomas W. Varney, P.E., noted that he updated the application to meet the zoning ordinance that passed at this year’s Town Elections. This property was part of the Alton Bay Christian Conference Center Campground.

Thomas W. Varney, P.E., read from the case narrative:

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“Brian and Elizabeth (Betsy) Mezey of Hampton, NH recently purchased the 69 Mount Major Highway property and would like to replace it with a new building. The new structure will occupy the same footprint with the exception of expanding the length six (6’) feet in the back of the building envelope. This will not encroach into any setback and it at the opposite side of the porch. The building footprint will not be expanded with the exception of the rear expansion. The overall impact is minimal.

The front lawn will be excavated for a walk out basement entrance similar to the adjacent cottage. The retaining wall, that is on state property, will be moved back to the campground property.

The water and sewer lines will remain the same. A catch/basin drywell and drip edges under the eaves will infiltrate stormwater run-off into the soil to protect the water quality of the lake.”

Thomas W. Varney, P.E., shared that an NHDES shoreland permit had been approved for this project and the asbestos inspection had been completed. He shared that Mr. Mezey obtained an excavation permit for the work along the State’s right-of-way. The campground wanted Mr. Mezey to begin construction in April and be finished by July. The property was a narrow building with close proximity to neighbors. In order to bring the property up to code as well as bring significant enhancement to the property there would be two (2) Variance requests made following this Special Exception. Due to the building requirements on the camp, these requests had been included and alternative plans had been provided to ensure that even if the Variances were not approved, the Special Exception could still be approved based on the way it was submitted. Thomas W. Varney, P.E., stated that the Variance was for the second floor expansion towards the street over the porch. A Variance was required to allow Mr. & Mrs. Mezey to increase the living space on the second floor by four (4’) feet above the porch. This would add less than sixty (60) s.f., but allow for more room to ensure the bathroom and stairway were up to code while maintaining necessary living space on the second floor. Currently the upstairs was not over any of the seven (7’) foot porch. The exterior would still maintain a roofline from the second floor to the first floor to maintain the look of the property.

Thomas W. Varney, P.E., stated that the second Variance was being requested for the porch conversion to living space. The encroachment was in the road frontage setback and not the lake. The Variance would maintain the same footprint and is requesting the ninety eight (98) square feet of space, which was currently a porch, be available for year round use. The five (5) adjacent properties all currently had living space with that twenty-five (25’) foot setback, two of which had been redone in the last ten (10) years. The Variance was being submitted in order to allow for living space on the porch to be accessible without the interference of an interior wall or door; this allowed for more free flowing use of the less than six-hundred (600) s.f. available for a kitchen, bath, stairs, table, and sitting area. The hope of this project was to ensure that this property was renovated to current codes, without expansion of the footprint forward, or on the sides, while allowing for a functional use of a very narrow property.

Thomas W. Varney, P.E., shared that this property was purchased by Mr. & Mrs. Mezey for use with their family, which included their five (5) children between the ages of three (3) and twelve

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(12). He noted that he had worked to ensure they followed the appropriate steps and had requested the Special Exception and both Variances in order to try and optimize the footprint of the property. The unique part of the property was the very narrow footprint, which was close to the surrounding properties. The Mezey's recognized the Variance requests required a hardship explanation. It was difficult for them to define any specific hardship in their case, although, they did state, "Have you ever been cooped up in a small summer cottage on a few rainy days with five (5) kids?" Mrs. Mezey had spent over thirty (30) years going to the Alton Bay Christian Conference Center and she wanted to make sure that her children and their families in the future could enjoy the property for years to come.

Thomas W. Varney, P.E., stated that he did submit a survey of the property that indicated where the structure was located, along with pictures of what the property looked like. He also submitted architectural drawings of what the structure would consist of. The porch was a plain simple one-story porch and there would be a small overhang. He stated that the structure was mostly in the same footprint, except for the back extension. The front would be excavated to be similar to the property to the right, which was done several years ago. There was a pathway in the back of the building that would be maintained. Thomas W. Varney, P.E., stated that the current structure would be torn down and the new structure would be non-conforming. The expansion was within the buildable area.

Tim Morgan wanted to know if Manchester Avenue was for vehicular traffic or if it was a walking path. Thomas W. Varney, P.E., stated that when you drove up to the cottage, it was just a walking path that led to the beach. Tim Morgan noted that the plan was to enclose the porch on the front, but not to put the roof of the second floor over the porch. He wanted some clarification. Thomas W. Varney, P.E., stated on the upper part of Sheet 3 of the plan, it showed the roof in more detail. Brian Mezey stated that the current porch was seven (7') feet in height, and it had no part of the second story above it. The request was that the aesthetics would stay as a porch, but the four (4') feet above the porch would be available for interior use. The second floor came out over the porch, but not all the way.

Paul Monzione asked what the Variances were requesting. Thomas W. Varney, P.E., stated they were to enclose the porch to create first floor living space and to expand the porch upwards into the 25' setback. Paul Monzione stated that the Mezey's were requesting the Variances because they wanted to enclose the porch, and the Zoning Ordinance did not permit a porch to be converted into living space, so in order for the porch to be converted into living space, a Variance was needed. Paul Monzione thought that the request was making the structure even more non-conforming. He wanted to know if there was anything beyond, having five (5) children in a small cottage on a rainy day, as far as hardship went. Paul Monzione asked if the structure was going to be any wider; Thomas W. Varney, P.E., stated, no. Paul Monzione confirmed that the spacing between the proposed structure and the structures to each side of it was going to remain the same; Thomas W. Varney, P.E., stated, yes.

Thomas W. Varney, P.E., addressed hardship. He thought that the issue was that cottages on the lake could not have enclosed porches according to the Shoreland Regulations; he then thought that regulation was adopted by the ZBA. Thomas W. Varney, P.E., stated that this structure was

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not directly on the lake, they were across the street from the lake; he noted that they were neither within the Town's 30' setback from the lake, nor were they within DES' 50' setback from the lake. Paul Monzione pointed out that Mr. Mezey had amended his application and was now applying under the new ordinance, which was Section 320 J., which eliminated the restriction that a structure must have the same square footage.

Paul LaRochelle asked how much higher was the structure going to be built. Thomas W. Varney, P.E., stated 1.9 feet higher than the existing structure. Paul LaRochelle noted that the current structure was 14' 11" wide, 6' further back, and 4' of the second story was being expanded as living space. Brian Mezey stated that the exterior of the cottage was not impacted, but it was the existence of an interior wall that would create a defined space between the livable home and the porch. He noted that adding a wall and a doorway was not going to do any harm with their surrounding neighbors and it did meet the spirit of the ordinance. He also thought that since the current structure was deteriorating, it was beneficial to his surrounding neighbors to build a new structure. Paul LaRochelle noted that there would be some excavation in the front of the building to accommodate for a walk out basement; Mr. Mezey stated, yes. Brian Mezey shared that the wall currently sat on State property, so when the front was excavated, that wall would be brought back to his property; therefore, alleviating the wall from being on State property.

Paul Monzione stated that the foundation where the walk out was going to be was above grade. Thomas W. Varney, P.E., stated it would be level with the sidewalk. Paul Monzione noted that the architectural renderings depicted the two (2) doors coming out of the basement, but he wanted to know if the six (6') feet out back of the structure was impeding on anything. He also wanted to know if the architectural renderings that were submitted was what the structure was going to look like as depicted in the elevations. Thomas W. Varney, P.E., stated, that the six (6') feet would not impact anything, and the renderings were what the structure was going to look like.

Frank Rich noted that the front and both sides of the structure were staying in the same footprint, and the back six (6') feet of the structure appeared to mostly consist of a spiral staircase. He thought that the entrance to the home would be from the side. Frank Rich thought that the staircase was an enhancement to the property itself, and it was an asset because it would give access to escaping the structure if there were a fire. He wanted to know if it was a pre-fabricated structure or a stick built; Brian Mezey stated, stick built. Frank Rich noted that cement board would be used around the entire property. Brian Mezey stated, yes, and they were installing fiberglass windows. Frank Rich brought up the roadway that was in the back of the structure that was actually a walking path. John Dever, III, stated that a car could drive up to right behind Mr. Mezey's home, but it essentially worked its way down to the size of a walking path. Frank Rich stated that the six (6') foot extension was within the same parallel line as the next door neighbor; Brian Mezey stated, yes.

Paul Monzione wanted to know if there were comments from the Fire Department. John Dever, III, stated that there were comments, and that he had a conversation with the Deputy Fire Chief

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about this application. John Dever, III, relayed that the Deputy Fire Chief did not have a problem with the access behind the structure on Manchester Avenue if he needed to get back there. Paul Monziona asked if there were any further comments from any of the other departments. John Dever, III, stated that the Police and Highway Departments had no concerns, and the Conservation Commission had no comments. The Water Department commented on the existing curb stops, which would need to be replaced as part of the water supply for the cut off valve; the Water Department already had a conversation with Mr. Mezey about the replacement.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Tim Morgan thought that since the ordinance in Section 320 was approved at this year's town vote, it made it easier for the Board to consider their approval. Paul Monziona asked if all three cases, Z19-07, Z19-08, and Z19-09 would be approved simultaneously. Paul LaRochelle thought it was best to consider the Special Exception first, then the Board could consider the two Variances together.

Paul LaRochelle moved the Board onto the worksheet.

Frank Rich stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B.

All Board members agreed.

Tim Morgan stated that the specific site **is** an appropriate location for the use. He stated that it was a residential use in the Alton Bay Christian Conference Center and would remain as such.

All Board members agreed.

Paul Monziona stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated that there was no incompatible land use involved in this project, and there was no evidence that would demonstrate that property values in the district would be reduced. Frank Rich thought that this project would enhance the surrounding properties in many ways. All Board members agreed.

Paul LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there was nobody present at the meeting to speak against the application, and there was nothing indicated in the Staff Review. He thought it would be an improvement to the surrounding properties. Lou LaCourse stated there was no public information passed on by any of the abutters.

All Board members agreed.

Lou LaCourse stated that 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. He stated that there was no change in the footprint of the building; therefore, there should be no change in vehicular or pedestrian traffic. Paul Monziona stated that there was no undue nuisance or hazard to vehicular or pedestrian traffic.

All Board members agreed.

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Frank Rich stated that adequate and appropriate facilities and utilities will be provided to ensure proper operation of the proposed use or structure as stipulated. It was his understanding that there was a DES permit, and the applicant was improving the site by moving the stone wall off the State’s property. He thought that the applicant was ensuring that the proper operation of the proposed use and structure would be applied to.

All Board members agreed.

Tim Morgan stated there is adequate area for safe and sanitary sewage disposal and water supply. He stated that with the exception of changing around the hook up from the street, everything would remain the same.

All Board members agreed.

Paul Monziona stated that the proposed use or structure is consistent with the spirit of the ordinance, and the intent of the Master Plan. He stated that the ordinance and the Master Plan both recognize grandfathered structures. Tim Morgan thought that the ordinance as it was amended at this year’s Annual Town Vote contemplated this sort of project.

All Board members agreed.

**Lou LaCourse MOVED to grant the Special Exception for Case #Z18-07.  
Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).**

<b>Case #Z19-08 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Brian &amp; Elizabeth Mezey, Owners</b>	<b>69 Mount Major Hgwy. Map 34 Lot 33-17</b>	<b>Variance Residential (R) Zone</b>
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A Variance is requested from **Article 300 Section 320. H.a.**, of the Zoning Ordinance to permit the extension of the upper floor within the twenty-five (25’) foot setback.

<b>Case #Z19-09 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Brian &amp; Elizabeth Mezey, Owners</b>	<b>69 Mount Major Hgwy. Map 34 Lot 33-17</b>	<b>Variance Residential (R) Zone</b>
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A Variance is requested from **Article 300 Section 320. H.d.**, of the Zoning Ordinance to permit the conversion of a porch to living space within the twenty-five (25’) foot setback.

The Chairman read Case #Z19-08 and #Z19-09 for the record.

Present were Thomas W. Varney, P.E., agent; Brian Mezey, owner; and Roy Darling, contractor.

Thomas W. Varney, P.E., Brian Mezey, and Roy Darling came to the table. Thomas W. Varney, P.E., stated that the second floor went out half way across the porch, so it would give the effect of the porch still being there, and it gave the second floor some more room because currently the upstairs was only 14 feet wide. He stated that the goal was to make the building more livable and to not change the outside appearance too much.

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Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Paul LaRochelle asked the Board if they wanted to consider both Variances for Case #'s Z19-08 and Z19-09 together. Paul Monziona thought that it would be best to have Thomas W. Varney, P.E., go forward with his presentation for Case #Z19-09, and then the Board could consider both cases at the same time when they voted.

Thomas W. Varney, P.E., stated that the Variance for Case #Z19-09 was requested in order to take the porch and convert into living space, although it did have windows, it would still look like a porch. Mr. Mezey stated that the distinction was that the exterior of the property, regardless of the acceptance of the Variance, would look the same whether or not the Variance was permitted. The changes had to do with the interior wall and door in order to separate the area of the porch from the interior property. He was asking the Board to not have to put up that wall to allow for a free flow for people to get around the inside of the property. Thomas W. Varney, P.E., stated that it would still be used as a porch, but without the extra wall because it was a tight space.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Paul LaRochelle moved the Board onto the worksheet for Case #Z19-08.

**Case #Z19-08**

Lou LaCourse stated that the variance **will not** be contrary to the public interest. He stated that the footprint was not changing in the building even though that upper floor was extending over the porch. The building would not have any physical effect on the surrounding neighborhood or the road. Paul Monziona stated that the Variance for Z19-08 was for the extension of the second floor by four (4') over the porch, and he did not think that would be contrary to the public interest. All Board members agreed.

Paul LaRochelle 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. He stated that this project would be a major improvement in a tightly squeezed area and he thought that this was within the spirit of how things needed to be done in a limited area. Paul Monziona stated that this project was in harmony with the spirit of the Zoning Ordinance, and the intent of the Master Plan. Tim Morgan stated that this project was with the character of the district in which it was proposed. Lou LaCourse agreed and stated that the convenience, health, safety, and character of the district would not be effected negatively. All Board members agreed.

Paul Monziona stated that by granting the Variance, substantial justice **will** be done. He stated that he was struggling with this criteria along with the hardship. He stated that as he looked at the criteria, he took into consider that there were no other properties in Alton that he was aware of that had that many structures on one lot of record; therefore, he thought that made it a unique piece of property in Town. He thought that was a special condition of the property. He noted that this structure needed to be taken down and replaced with a new structure. He thought that by granting the Variance, substantial justice would be



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done. Tim Morgan thought that the benefit to the applicant outweighed any detriment to the community as a whole. Lou LaCourse did not think there would be any detriment to the community. All Board members agreed.

Tim Morgan stated that the request **will** not diminish the value of the surrounding properties. He stated that there had been no testimony with respect to values, but he thought that by taking down an old building and constructing a new one in its place would be much safer from a fire perspective, and would enhance the values of the surrounding properties. All Board members agreed.

Frank Rich stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) **No** fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- (ii) The proposed use **is** a reasonable one.

He thought that there was no substantial relationship that existed between the general purposes of the ordinance and the specific application of that provision to the property. He thought that the proposed use was a reasonable use, based upon the fact that this area was a special area. Paul Monziona thought that the special condition of the property was that all of the structures were located on one lot, which was a unique lot in the Town of Alton. He did not think that there was a fair and substantial relationship to strictly enforce the ordinance in this circumstance. He further thought that the proposed use of the property was a reasonable one because this was a residential use long before zoning was adopted by the Town. Tim Morgan thought that the hardship was the way that the community developed the property years ago before zoning was adopted by the Town. He thought that the proposed use was reasonable because it was not changing. All Board members agreed.

**Tim Morgan moved to GRANT the Variance for Case #Z19-08.**

**Lou LaCourse seconded the motion, and it PASSED by a vote of (5-0-0).**

Paul LaRochelle moved the Board onto the worksheet for Case #Z19-09.

Frank Rich stated that the variance **will not** be contrary to the public interest. He did not think that there was anything that would be in contrary to the public interest, and he thought it would enhance the surrounding properties. This project would also make things safer. Tim Morgan noted as Mr. Varney had pointed out in his presentation that this idea originally came from State law having to do with properties closer to the water, and considering where this property was located, it was not contrary to the public interest.

All Board members agreed.

Tim Morgan 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. He stated that this was an unusual district with its own character and what was proposed with this application was within the spirit of the district and structure.

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All Board members agreed.

Paul Monziona stated that by granting the Variance, substantial justice will be done. He stated that substantial justice would be done based upon the statements that he made with regard to the prior Variance. Tim Morgan thought that it was more advantageous to the applicant than detrimental to the town.

All Board members agreed.

Paul LaRochelle stated that the request will not diminish the value of the surrounding properties. He stated that there was no factual evidence of any kind that any of the surrounding properties would be diminished in any way with rebuilding this property.

All Board members agreed.

Lou LaCourse stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- (ii) The proposed use is a reasonable one.

He stated that the proposed use was a very reasonable one, and he did not see where there was any substantial relationship between the general public purposes, which were the health and safety of the neighborhood. He noted that unnecessary hardship was always a struggle, but thought that the comments from the previous Variance would apply to this one also. Frank Rich stated that the specialness of the property made it a distinct hardship.

All Board members agreed.

**Tim Morgan moved to GRANT the Variance for Case #Z19-09.  
Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).**

**NEW APPLICATIONS**

<b>Case #Z19-10 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for John &amp; Nancy Geljookian, Owners</b>	<b>166 Black Point Road Map 44 Lot 41</b>	<b>Variance Lakeshore Residential (LR) Zone</b>
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A Variance is requested from **Article 300 Section 327. A.3.**, of the Zoning Ordinance to permit an addition to encroach into the 10’ side setback by 4.3’.

The Chairman read the case for the record.

Present were Thomas W. Varney, P.E., agent and John & Nancy Geljookian, owners.

**Tim Morgan MOVED to accept application #Z19-10 as complete.  
Paul Monziona seconded the motion, and it PASSED with a vote of (5-0-0).**

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Thomas W. Varney, P.E., and John & Nancy Geljookian came to the table. Thomas W. Varney, P.E., stated that this property was located on Black Point Road about half way down. The Geljookian's purchased the property in 2016; the existing house was a single story with a crawl space. Mr. & Mrs. Geljookian wanted to expand the living space and the proposal was to extend the living space by 10' along the front. He noted that the Variance was needed for the encroachment into the 10' setback. The encroachment was 82 s.f. in total. The corner of the house would be 4.3' from the property line. Stormwater Management practices and reduction of nonporous areas would be implemented to environmentally upgrade the property. A DES Shoreland Permit was required. The septic system was State approved. Thomas W. Varney, P.E., noted that Mrs. Geljookian had a permanent medical disability, which made it difficult to negotiate stairs. The land was surveyed and pictures of the property were submitted to the Board. He passed around a panoramic picture of the house.

Nancy Geljookian stated that the bedroom was only nine (9') feet wide, which made it difficult to navigate around the bed. She stated that as things got worse for her the expansion would make things even easier for her to get around. This request would also allow for some storage in the back of the house because they did not have any space underneath or above the house to store anything. Thomas W. Varney, P.E., stated that this house currently met the setbacks, so it was not non-conforming. He stated it was far enough from the lake and the sideline setbacks. He noted that the house was a one story, and behind the building was a garage. He pointed out that the houses next door stood out more than the Geljookian's and were two-stories, and in fact, you could not really see the house from the street.

Thomas W. Varney, P.E., stated that the plan was to add an extension to the bedroom and to square it off, it would put the house over the setback line; therefore, the house would be 4.3' from the property line. He shared that there would be a partial foundation installed to match what was currently there. When the Shoreland Permit was submitted, the stormwater runoff needed to be updated because it was over 30% lot size coverage; this needed an engineer to compute the flow of water over the site in order to infiltrate it into the ground. He shared that more trees would be planted on the property. The outcome would be to environmentally upgrade the property by keeping dirty water out of the lake. There were two (2) driveways on this property, but one would be torn up only leaving the one driveway. The shed was being moved to the back of the property. Mrs. Geljookian wanted to make it clear that they were not tearing the house down, they just wanted to expand. Paul LaRoche asked if the roofline was staying the same height. Mrs. Geljookian stated it was staying the same height, and they did not want to have any stairs.

Paul Monzione wanted to know how much of the structure would be within the setback. Thomas W. Varney, P.E., stated about 5.7' would encroach into the side setback. Paul Monzione asked at what point did the house come out of the setback. Thomas W. Varney, P.E., stated about 25'. Paul Monzione asked what the total length of that section of the house. Thomas W. Varney, P.E., stated 35.5'. Paul Monzione noted that as you went along that side of the house, the encroachment was less and less, and it only encroached about 25', and then the remainder of the structure was outside of the setback; Thomas W. Varney, P.E., stated, yes.

Lou LaCourse asked how far the shed encroached into the side setback. Thomas W. Varney, P.E., stated about 4.5 - 5'. Mr. Geljookian stated that when they purchased the property, there was already a shed in

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that same location. Frank Rich noted that the shed would be moved back and taken out of the encroachment. He noted that the encroachment of the house would end up being 82 s.f., of which was only 25' of the 35.5'. Lou LaCourse asked if the 82 s.f. of encroachment was comparable to the encroachment that the shed had previously; Thomas W. Varney, P.E., stated, no. Lou LaCourse asked how big the shed was. Mr. Geljookian stated 8' x 12'. Frank Rich stated that encroachment was 14 s.f. less. Lou LaCourse noted that there would be a 14 s.f. less encroachment once the shed was moved.

Tim Morgan asked how close the house was on Lot 37 to the property line, which was the house to the left if you were looking at the proposed structure. Thomas W. Varney, P.E., stated about 27'. Tim Morgan noted that there would be approximately 35' between the two (2) residences post construction; he noted further that there would be enough room for fire apparatus to get in between the two structures if needed. Frank Rich questioned the distance. Thomas W. Varney, P.E., looked at it again and thought it would be more like 30' between the two (2) structures. Paul Monzione stated that part of the new construction was within the 50' shoreland setback from the lake; therefore, a DES Shoreland Permit was needed. Thomas W. Varney, P.E., stated that he was going to ask for a development waiver from the State. Paul Monzione pointed out that the new construction would be less impactful on the lake because of the stormwater runoff management that would be incorporated into the structure. Paul Monzione asked if any of the upgrades would affect the septic design. Mrs. Geljookian stated that it was not an additional bedroom; it was just an expansion.

Paul LaRochelle asked Mr. Varney if he took the Conservation Commission's comments into consideration. John Dever, III, stated that the Conservation Commission wanted the opportunity to review the Shoreland Permit before they commented. Frank Rich acknowledged that the shed was being moved, but the applicants were also taking out the asphalt on the additional driveway and making into a pervious grassy area; that was an improvement to the shoreline as well. Mr. Geljookian stated that in addition to taking up the asphalt, they were moving the propane tanks that were close to the lake and moving them up towards the road; he noted that he had a permit for that. Thomas W. Varney, P.E., noted that the neighbor's driveway was on the Geljookian's lot too, but that was staying in place. Mr. Geljookian stated that neighbor had an easement.

Thomas W. Varney, P.E., stated that there should be a couple of letters in the file from the abutters who were in favor of the proposal.

Paul LaRochelle opened public input. No public input. Paul LaRochelle closed public input.

Paul LaRochelle moved the Board onto the worksheet.

Paul Monzione stated that the variance **will not** be contrary to the public interest. He stated that the public interest was reflected by the language of the ordinance; the purpose of the ordinance was not being thwarted in any meaningful way because it was only a small portion of the structure that would encroach into the side setback. He also noted that the structures were very far apart, which would allow for fire apparatus to access the structure without any difficulty, even if the neighbor was to expand their structure. All Board members agreed.

Paul LaRochelle stated that the request **is** in harmony with the spirit of the Zoning Ordinance, the intent of

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the Master Plan, and with the convenience, health, safety, and character of the district within which it is proposed. He saw no problem with the health, safety, and character of this property with the addition in place; it would remain a residential property. There were no changes other than making the living space a little more comfortable and convenient for the occupants. Lou LaCourse noted that there was no opposition from any of the abutters.  
All Board members agreed.

Lou LaCourse stated that by granting the Variance, substantial justice will be done. He pointed out as previously mentioned, it was a slight encroachment of 82 s.f. into the side setback. Even though the removal of the shed had no impact on saying that it was really 12 s.f. less, there was still an improvement.  
All Board members agreed.

Frank Rich stated that the request will not diminish the value of the surrounding properties. He stated that the request would not diminish surrounding properties, and in fact, would improve the surrounding properties by moving the shed, eliminating the asphalt, moving the propane tanks, and planting more shrubbery enhanced their property and the surrounding properties. Lou LaCourse agreed, but noted that he did not see anything in the plans that indicated there would be more shrubbery. Frank Rich noted that there was shrubbery indicated on the plan.  
All Board members agreed.

Tim Morgan stated that for purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (iii) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;
- (iv) The proposed use is a reasonable one.

He stated that the use was going to continue as a residential use. In this particular case, the hardship for this piece of property was that most of the properties around the lake were small and the awkward shape of the lots with steep slopes made it difficult to expand a house in order to make it comfortable for living, but stay within the bounds of the lots. Frank Rich thought that this proposal was with the spirit of the ordinance in terms of the applicants disability.

All Board members agreed.

**Tim Morgan moved to GRANT the Variance for Case #Z19-10.**

**Lou LaCourse seconded the motion, and it PASSED by a vote of (5-0-0).**

**OTHER BUSINESS**

1. Previous Business:

2. New Business:

- a. Memo from Nic Strong, Town Planner, regarding 2019 updated Zoning Ordinances.

John Dever, III, noted that Nic Strong had given the Board copies of the updated Zoning Ordinances for 2019. He shared with the Board that the Storage Facility ordinance did not

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pass. Paul Monziona noted that the other ordinance did not pass, which was the petitioned warrant article that petitioned the ordinance to go back to the original frontage in the Lakeshore Residential Zone.

**3. Approval of Minutes: March 7, 2019**

John Dever, III, noted that the minutes would be ready for approval at the next scheduled meeting on May 2, 2019.

**4. Correspondence:**

- a. John Dever, III, stated that James Sessler, Esq., Town Counsel, had given his opinion on the Johnston case, which was the case that had the four owners of one lot. Paul Monziona asked if it was an attorney/client document. John Dever, III, stated that it was up to the Board to determine whether that document could be shared with the applicant before the next meeting. Tim Morgan did not think this discussion should be held in a public meeting. The Board wanted the opportunity to review the document, and then they would individually email John Dever, III, informing him of whether they thought the document should be shared with the applicant.
- b. John Dever, III, noted that the Seeley application that the Board was presented with last month, had applied for their Shoreland Permit. He informed the Board that the reviewer wanted to know if the building was being constructed with fire resistant materials. The contractor forwarded the inquiry to John Dever, III, and he thought that was odd that they were inquiring about the construction. John Dever, III, contacted the Shoreland Department and when they got back to him, he stated that he was not sure why that was asked of them because that was not one of their requirements.
- c. Paul LaRochelle shared with the Board that when he went to his first Selectmen's meeting, he was asked which Board he wanted to sit on, and he decided that since he was already a member of the ZBA, he would stay on as a dual role, as member and Selectmen's Representative, like Lou LaCourse had done in the past.

**Election Of Zoning Board Of Adjustment Officers**

A vote was taken amongst Board members on who the new Officers of the Board would be:

**Paul LaRochelle MOVED to nominate Paul Monziona as Chairman.  
Frank Rich seconded the motion, and it PASSED by a vote of (4-0-0).**

**Lou LaCourse MOVED to nominate Frank Rich as Vice-Chairman.  
Tim Morgan seconded the motion, and it PASSED by a vote of (4-0-0).**

**Lou LaCourse MOVED to nominate Paul LaRochelle as Clerk.**

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**Paul Monziona seconded the motion, and it PASSED by a vote of (4-0-0).**

Paul LaRochelle stepped down as Chairman, and then Paul Monziona assumed that role.

**ADJOURNMENT**

**At 7:36 P.M., Paul Monziona MOVED to adjourn.**

**Frank Rich seconded the motion, and it PASSED by a vote of (5-0-0).**

Respectfully submitted,

Jessica A. Call  
Recording Secretary

Minutes approved as amended: May 3, 2019