

Approved by the Board October 5, 2006

**Meeting called to order** at 7:10p.m.

**Members in attendance:** Marcella Perry, Tim Morgan, Angela Bystrack

**Members absent:** Tim Kinnon, Keith Chamberlain

Kathy Menici – The applicants all wanted their applications continued until there was a full board present to hear their case. I will read the cases in and then the board can continue them.

**Case Z06-16** **Map 22 Lot 2** **Variance**  
**Michael and Christine Hoyt** **1023 Suncook Valley Road (NH Rte. 28)**  
Application submitted by Michael and Christine Hoyt seeking a variance from Zoning Article 300, Section 327 A: 1 – Setback Requirements – to replace two decks on their home within the setback. The property is located in the Rural Zone.  
**Motion made by T. Morgan to continue Case#Z06-16 until Monday, May 15, 2006, seconded by A. Bystrack.**  
**Motion passed with all in favor.**

**Case #06-17** **Map 27 Lot 52** **Variance**  
**NH Electric Coop** **Main Street (NH Rte. 11)**  
Application submitted by NH Electric Coop seeking a variance from Zoning Article 400, Section 443 Paragraph B – Residential Commercial Zone, Restrictions Governing Use – to create a lot by subdivision with less than the 75 feet of required road frontage. The property is located within the Residential Commercial Zone.  
**Motion made by T. Morgan to continue Case #Z06-17 until Monday, May 15, 2006, seconded by A. Bystrack.**  
**Motion passed with all in favor.**

**Case Z06-05** **Map 18 Lot 39-8** **Special Exception**  
**June A. Rich Rev Trust** **38 Tranquility Lane**  
Continued from the April 6, 2006 hearing.  
**Motion made by M. Perry to continue Case #Z06-05 until Monday, May 15, 2006, seconded by A. Bystrack.**  
**Motion passed with all in favor.**

**Case Z06-08** **Map 60 Lot 11** **Variance**  
**David Herrick** **172 Minge Cove Road**  
Continued from the April 6, 2006 hearing.  
**Motion made by T. Morgan to continue Case #Z06-08 until Monday, May 15, 2006, seconded by A. Bystrack.**  
**Motion passed with all in favor.**

**Case Z06-09** **Map 42 Lot 12** **Area Variance**  
**Greg and Deborah Vickowski** **9 Mattleman Lane**  
Continued from the April 6, 2006 hearing.  
**Motion made by T. Morgan to continue Case #Z06-09 until Monday, May 15, 2006, seconded by A. Bystrack.**  
**Motion passed with all in favor.**

**Case Z06-11** **Map 51 Lot 34** **Variance**  
**Kathleen and Mark Dotter** **4 Loveren Lane (Rte 11-D)**  
Continued from the April 6, 2006 hearing.  
**Motion made by T. Morgan to continue Case #Z06-11 until Monday, May 15, 2006, seconded by A. Bystrack.**  
**Motion passed with all in favor.**

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**Other Business:**

K. Menici – Town Council wants to schedule a work session with the board regarding Gaynor.

M. Perry – May 24<sup>th</sup> would be a good night.

M. Perry – Letter from Mary Tenn, Esq. – As you know we represent Robert and Sandra Bahre in connection with the above referenced case and those cases are Z05-24, Z05-24, & Z05-36. On September 1, 2005 the Town of Alton, Board of Adjustment unanimously approved Mr. & Mrs. Bahre's application for an area variance relating to height and unanimously overturned the decision of the Building Inspector and allowed the issuance of a building permit for this project. On November 3, 2005 the ZBA denied the Selectmen's motion to reconsider as to the area variance. On December 19, 2005 the ZBA affirmed the September 1<sup>st</sup> decision allowing the issuance of a building permit. The Selectmen have appealed both decisions to the Supreme Court, but the appeals do not suspend the ZBA's order RSA 67:9. The building season is about to begin and Mr. & Mrs. Bahre are entitled to obtain a building permit and commence construction at this time. Subject of course to the obligations to make changes or suspend construction if the Superior Court later agrees with the Selectmen's appeal. Considering that the ZBA has twice approved both the area variance and the issuance of a building permit that the ZBA's findings of fact are prima facia lawful and reasonable, RSA 677:6 and that the Selectmen cannot prevail in their appeal on this. They can convince the court that the ZBA's decisions were unlawful or unreasonable. Mr. & Mrs. Bahre think there is very little risk in going forward with constructing a building at this time. However, Mr. & Mrs. Bahre have decided not to proceed with construction of their proposed building even now or at any future date and to release their right to do so under the ZBA decision of September 1<sup>st</sup>, November 3<sup>rd</sup>, and December 19<sup>th</sup> all in 2005. Mr. & Mrs. Bahre continue to believe that the proposed building would be a significant contribution to the value of attractiveness to the real estate to Hopewell Road and the intended use would cause no inconvenience to anyone. Mr. & Mrs. Bahre did not move to Alton from their long time home in Paris Maine to cause diversions in the town or to add to the expense born by the town's taxpayers. They have been very concerned during this last several months to see what was originally a simple and unanimously approved request for permission to build a high quality structure, turned into several public hearings and three appeals to the Supreme Court, with each of two town board hiring separate councils and the towns taxpayers forced to bare ever increasing legal expense. Mr. & Mrs. Bahre believe that continuing arguments and mounting legal bills would only be harmful to the town. They have accordingly decided not to construct the proposed building on this site and have instructed us their attorneys to formally notify the ZBA and the Board of Selectmen of this decision. Please place this letter in the ZBA' file for Case #Z05-23, Z05-24, and Z05-36 and note that those cases have been terminated. This decision should also eliminate the need for further proceeding in the Superior Court.

**Minutes:**

April 6, 2006 – **Motion made by T. Morgan to approve the minutes as written for April 6, 2006, seconded by M. Perry. Motion passed with all in favor.**

**Motion made by A. Bystrack to adjourn, seconded by T. Morgan. Motion passed with all in favor**

**Adjournment**

M. Perry, Chairman