

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES - APPROVED
June 7, 2018, 6:00 P.M., Alton Town Hall**

CALL TO ORDER

Paul LaRochelle called the meeting to order at 6:02 P.M.

Board Members Present:

Paul LaRochelle, Chairman
Lou LaCourse, Vice-Chairman
Andrew Levasseur, Member

Others Present:

John Dever, III, Code Official

APPOINTMENT OF ALTERNATES

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.

APPROVAL OF AGENDA

**Lou LaCourse MOVED to accept the agenda as presented.
Andrew Levasseur seconded. Motion PASSED by a vote of (3-0-0).**

NEW APPLICATIONS

Case # Z18-12 Richard Lundy, Agent for Thomas J. & Donna J. Cote, Owners	8 Cathy Lane Map 40 Lot 39	Variance Lakeshore Residential (LR)
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A Variance is requested from **Article 300 Section 327 A.2.** of the Zoning Ordinance to permit a 12' x 20' addition, which will partially encroach on the 25' setback rule by 6' 1".

Present was Richard Lundy, agent.

The chairman read the public notice for the record.

Subjects discussed between the Board and the applicant included proximity of the addition to the Cathy Lane right-of-way, screening between the home and Cathy Lane, and the fact that the lot was encumbered by right-of-way setbacks on two sides. The addition would only encroach into one of those setbacks.

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

Paul LaRochelle moved the Board onto the worksheet.

Andrew Levasseur stated that the variance **will not** 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.
All Board Members agreed.

Lou LaCourse stated that by granting the Variance, substantial justice **will** be done.
All Board Members agreed.

Andrew Levasseur stated that the request **will not** diminish the value of the surrounding properties.
All Board Members agreed.

Paul LaRochelle 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.

All Board Members agreed.

**Lou LaCourse MOVED grant the Variance for Case #Z18-12.
Paul LaRochelle seconded. Motion PASSED by a vote of (3-0-0).**

Case # Z18-13 Joanne Coppinger/Beckwith Builders, Inc., Agent for Armand & Monique Circharo, Owners	13 Nelsons Pine Point Map 50 Lot 5-1	Special Exception Lakeshore Residential (LR)
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A Special Exception is requested from **Article 300 Section 328** of the Zoning Ordinance to permit chimneys to extend above the 35’ maximum ridgeline height. Ridgeline is proposed at 34’ 9” above average grade. Chimneys must extend 2’ above ridgeline by code, and the chimney cap extends 2’ 4” above that. Therefore, this request is to allow the chimneys to extend to a height of 39’ 1” above average grade.

Present were Joanne Coppinger, agent, and Armand & Monique Circharo.

The chairman read the public notice for the record.

The applicant chose to accept the offer of the Board to continue the application with no penalty due to the fact that there were only three Board members present.

Paul LaRochelle MOVED to continue Case # Z18-13 to the next scheduled meeting on July 5, 2018, due to the fact that there was not a full Board present. Andrew Levasseur seconded. Motion PASSED by a vote of (3-0-0).

Case # Z18-14 Bryan Berlind, LLS, of Land Tech, Agent for John W. Jeddrey, Jr., Owner	Wolfeboro Hgwy./Route 28 Map 19 Lot 18-1	Special Exception Rural (RU)
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A Special Exception is requested from **Article 400 Section 451** of the Zoning Ordinance to permit the use of a Contractor’s Yard.

Present were Bryan Berlind, LLS, agent and John W. Jeddrey, Jr. and Jason Jeddrey, owners.

The chairman read the public notice for the record.

Bryan Berlind, LLS, presented the application. The pit had been continuously active since 1983. The gravel was now depleted, but the Jeddrey’s wanted to continue operating as a Contractor’s Yard, bringing in different materials for resale including, but not limited to, loam, mulch, and ledge pack. They also would be recycling concrete, asphalt, stone, and other similar materials for resale. There was no increase in traffic from previous activities anticipated, would be no change in appearance from the road, or a change in noise. A modular trailer presently being used as an office would be used in the same capacity. A proposed building for storage of equipment and office space was shown on the plan. Ample area for parking was available. The proposed change in use would be subjected to Site Plan review and approval by the Planning Board after completing the Zoning process.

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

Paul LaRochelle moved the Board onto the worksheet.

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

All Board Members agreed.

Paul LaRochelle stated that the specific site **is** an appropriate location for the use.

All Board Members agreed.

Andrew Levasseur stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses.

All Board Members agreed.

Lou LaCourse stated there **is no** valid objection from abutters based on demonstrable fact.

All Board Members agreed.

Paul LaRoche 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.

All Board Members agreed.

Andrew Levasseur stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated.

All Board Members agreed.

Lou LaCourse stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

All Board Members agreed.

Paul LaRoche stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan.

All Board Members agreed.

**Lou LaCourse MOVED to grant the Special Exception for Case #Z18-14.
Andrew Levasseur seconded. Motion PASSED by a vote of (3-0-0).**

Case # Z18-15 Thomas W. Varney, P.E. of Varney Engineering, LLC, Agent for Leo & Cheryl Goyette, Owners	16 Roger Street Map 54 Lot 9-1	Variance Recreation Service (RS)
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A Variance is requested from **Article 300 Section 327A.1.**, of the Zoning Ordinance to permit the construction of a deck, attached to the house, 11’ within the 30’ setback to the lake.

Present were Thomas W. Varney, P.E., agent and Leo Goyette, owner.

The chairman read the public notice for the record.

The applicant chose to accept the offer of the Board to continue the application with no penalty due to the fact that there were only three Board members present.

**Lou LaCourse MOVED to continue Case # Z18-15 to the next scheduled meeting on July 5, 2018, due to the fact that there was not a full Board present.
Andrew Levasseur seconded. Motion PASSED by a vote of (3-0-0).**

Case # Z18-16 & Z18-17 Anthony & Sonja Kappes, Owners	121 Trask Side Road Map 42 Lot 43	Special Exception Lakeshore Residential (LR)
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A Special Exception is requested from **Article 500 Section 520, and Article 300 Section 319**, of the Zoning Ordinance to permit an accessory dwelling unit in the Lakeshore Residential district.

Present was Sonja Kappes.

The chairman read the public notice for the record.

Mrs. Kappes presented the application. At present, there was a bedroom suite above the attached 2-car garage, which they wanted to convert into an Accessory Dwelling Unit (ADU). The proposed ADU would be 620 s.f. in size; the maximum allowed under the Ordinance for this structure was 922 s.f. There was an existing exterior entrance to the space and an interior pass door. Additional parking would be provided to the side of the existing driveway. A new septic design was being drawn up to meet the increased loading requirements. There was not going to be any change in the footprint of the existing home.

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

Paul LaRochelle moved the Board onto the worksheet.

Andrew Levasseur stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B.
All Board Members agreed.

Paul LaRochelle stated that the specific site **is** an appropriate location for the use.
All Board Members agreed.

Lou LaCourse stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses.
All Board Members agreed.

Andrew Levasseur stated there **is no** valid objection from abutters based on demonstrable fact.
All Board Members agreed.

Paul LaRochelle 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.
All Board Members agreed.

Lou LaCourse stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated.
All Board Members agreed.

Andrew Levasseur stated there **is** adequate area for safe and sanitary sewage disposal and water supply.
All Board Members agreed.

Paul LaRochelle stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan.
All Board Members agreed.

**Lou LaCourse MOVED to grant the Special Exception for Case #Z18-16 and Z18-17.
Andrew Levasseur seconded. Motion PASSED by a vote of (3-0-0).**

OTHER BUSINESS

1. Previous Business: None.

2. New Business:

- a. Paul LaRochelle will be attending the Board of Selectmen meeting on June 18, 2018, to discuss and update the Board of Selectmen on ZBA business.
- b. Request for a rehearing from Colchester Properties, LLC, received on June 1, 2018, in regards to their denial from the Alton ZBA on May 3, 2018.

Present was Francis X. Bruton, III, Esq., counsel for Colchester Properties, LLC.

The Board discussed the request, and due to the fact there were only 3 members present, and only two of which had participated in the hearings for the original application, they decided to suspend the decision in accordance with RSA Section 677: 3, II, and continue the Motion for Rehearing to the July 5th meeting in order for the Board to meet with counsel before that date.

Lou LaCourse MOVED to continue the consideration of a rehearing to the July 5, 2018, ZBA meeting, in order to meet with Shawn Tanguay, Esq., counsel for the ZBA. Andrew Levasseur seconded. Motion PASSED by a vote of (3-0-0).

3. Approval of Meeting Minutes: May 3, 2018

Paul LaRochelle MOVED to continue the approval of the minutes of May 3, 2018 to the next scheduled meeting on July 5, 2018.

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

4. Correspondence: None.

ADJOURNMENT

At 7:25 P.M., Lou LaCourse MOVED to adjourn.

Paul LaRochelle seconded. Motion PASSED by a vote of (3-0-0).

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as amended: August 2, 2018