

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES - APPROVED
July 5, 2018, 6:00 P.M., Alton Town Hall**

CALL TO ORDER

Paul LaRochelle called the meeting to order at 6:04 P.M. He explained that a Board member called out due to an emergency, so there would only be a four (4) person Board, with no alternate.

Board Members Present:

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

Paul LaRochelle asked John Dever, III, if there were any changes to the agenda since it was posted. John Dever, III, stated that on Case Z18-20, the zone was listed as being in the Lakeshore Residential zone, but it was actually in the Recreation Service zone.

**Paul Monziona MOVED to accept the agenda as amended.
Lou LaCourse seconded. Motion PASSED by a vote of (4-0-0).**

CONTINUED FROM JUNE 7, 2018

Case #Z18-18 Francis X. Bruton, III, Esq., Bruton & Berube, PLLC, Agent for Colchester Properties, LLC	21 Silver Cascade Way Map 39 Lot 11	Rehearing request regarding the denial of an Administrative Appeal Lakeshore Residential (LR)
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The chairman read the public notice for the record.

Present was Francis X. Bruton, III, Esq., agent for the applicant.

Francis X. Bruton, III, Esq., came to the table. He requested that this case be continued in order to have an opportunity to be heard by a full Board. Paul LaRochelle informed Atty. Bruton that requesting a continuance would not cost his client any additional funds because a full Board was not present.

Tim Morgan MOVED to consider Francis X. Bruton, III, Esq.’s, request for Case #Z18-18 to be continued to the next scheduled meeting on August 2, 2018, in order to have the opportunity for a full Board to be present to decide whether a rehearing should take place. Lou LaCourse seconded.

DISCUSSION:

Paul Monzione stated that the Board had a quorum present at this meeting. He pointed out that Atty. Bruton informed his client that there would be no consequence to the applicant in requesting this continuance, but that should not be the case. This was because the Board always gave out a “freebie” on a continuance when there were only three (3) Board members present, and would not go against the applicant. Under the State’s Statute, three (3) members constituted a quorum, and the Board had the right to proceed with a quorum. The Board also had the right to entertain to continue a case or not based on a request for a continuance. He thought that under the ZBA By-Laws the Board permitted two (2) requests for continuances, and if there were a third, then the Board would request the applicant to start from scratch.

Paul Monzione pointed out to the Board that this request for a continuance should go against the applicant as their first request, out of two requests to continue, before they would have to start from scratch, because a quorum was present. Tim Morgan wondered if this continuance should go against the applicant because tonight’s hearing was not a publicly noticed hearing.

Francis X. Bruton, III, Esq., stated that the Board was compromised of five (5) members and the tradition in New Hampshire was that if there were less than five (5) Board members present, each applicant was offered the opportunity to move to the next meeting because a 2:2 vote was a loss too. He believed that tonight’s request did not reflect the need for a public hearing with abutters present. Paul Monzione stated that he had been on the Alton ZBA for about 18 years and he did not remember a time that the Board offered a continuance with four (4) members present. He also mentioned that there was a letter submitted at tonight’s hearing and since it was not a public input session, the Board could not hear the letter. Francis X. Bruton, III, Esq., stated that if the ZBA’s counsel, Shawn Tanguay, Esq., was present, even he would agree that this letter was appropriate to introduce tonight. He thought that the Board should ask Shawn Tanguay, Esq., if said letter would be acceptable to add to the decision process.

Paul LaRochelle asked the Board for a vote, the motion PASSED by a vote of (4-0-0).

Case # Z18-13 Aimee Bentley/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 Aimee Bentley, agent, and Armand & Monique Circharo, owners.

The chairman read the public notice for the record.

Paul Monzione shared that in the past, he had a professional relationship with Beckwith Builders, Inc., and he also had a personal relationship with the principal of that company. He had also stated that in the past, he did not feel that would in any way adversely impact his ability to be objective on this matter. If any member of the public, the applicant, or anyone else requested him to recuse himself, he would be more than happy to do so. No one objected.

**Lou LaCourse MOVED to accept the application for Case #Z18-13 as complete.
Tim Morgan seconded. Motion PASSED by a vote of (4-0-0).**

Aimee Bentley came to the table. She shared that this project included tearing down the current structure and rebuilding a single family, 4-bedroom, residence. She shared that the applicants had been before the Board a couple of months ago to obtain a Special Exception to maintain the non-conforming shoreline setbacks, which was granted. She noted that the lot sloped about 11 ½' from the beginning of the driveway heading down to the lake. The driveway side of the house was 2 ½ stories, but the lakeside became three stories because of the sloping nature of the lot. Chimneys had to extend 2' above the ridgeline by code, and they were putting a cap on to keep out water and debris, which brought the height to 39' 1". The lot and building were not changing uses. She stated that there was an easement on the neighbor's driveway in order for the Circharo's to access their property. She thought that the chimneys would not take away their neighbor's view or take away any character from the neighborhood.

Aimee Bentley stated that the two chimneys were identical. She pointed out that the Fire Department had some concerns about the height of the house and access to the property; the driveway was narrow and was not off the main street. The Fire Department had asked the Circharo's to see what they could do to alleviate the narrow driveway. She shared that she added a pervious paver patio in front of the house so that the fire truck had better access to more of the property.

Tim Morgan asked what the height of the house was from the driveway that the Fire Department would be dealing with. Aimee Bentley stated that the height was about 30' from the first floor elevation, up to the tallest part of the house, and the chimneys would be beyond that.

Paul Monzione asked if the Fire Department signed off on the pervious paver patio. Aimee Bentley stated that she had an email from them. Paul Monzione asked her to submit a copy of that email for the file. At first, he was concerned that the fire trucks might not be able to reach the chimneys properly if there was a fire, but after learning that the driveway was expanded and the patio was installed, he thought that would be okay.

Paul LaRochelle opened public input.

Bud Nelson of 5 Nelson's Pine Point, abutter, came to the table. He stated that he had been associated with the Circharo's property for 40 years. He noted that where the Circharo's were proposing to build the house, it did not block their view, and it did not affect them whatsoever. He thought the house was beautiful, and he wanted the Circharo's to have the proper chimney height and would not vote against their request.

Paul LaRochelle closed public input.

Paul LaRochelle asked if the roof had a walkable pitch (6:12). Aimee Bentley stated that the main part of the roof was a ten (10) pitch and the dormers were a six (6) pitch. John Dever, III, stated that it was on June 5, 2018, that Lt. Turcotte of the Fire Department responded to his email and stated that he was fine with the proposed changes as explained earlier in this hearing. Armand Circharo stated that he and his wife thought that having everything built according to the fire code was very important.

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. He stated that the proposed home was beautiful; it was located in a beautiful neighborhood alongside the lake. Paul Monzione stated that the specific site was in an appropriate location for the use, the use was not changing, and the slight increase in height to the chimney would have no impact on the use.

All Board members agreed.

Paul Monzione 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 were no incompatible land uses, and increasing the chimney slightly was not going to have any adverse impact whatsoever on values of the surrounding properties. He thought that the overall structure was likely to enhance property values.

All Board members agreed.

Tim Morgan stated there **is no** valid objection from abutters based on demonstrable fact. He stated that the only abutters to address the proposal were in favor of the applicant's request.

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 believed that in this case, the chimney posed no nuisance as described in this section. Paul Monzione stated that by increasing the height of the chimney slightly, was not going to have an adverse impact on vehicular or pedestrian traffic. Tim Morgan stated that some of the vehicular areas had been improved based on the Fire Department's request.

All Board members agreed.

Paul LaRochelle stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated that the Circharo's were before the Board last month to obtain a Special Exception to replace a non-conforming structure and were approved; therefore, adequate facilities had been applied to this. Paul Monzione agreed, and he did not think any additional needs were created by an increase in height of the chimneys that would impact

facilities or utilities.
All Board Members agreed.

Paul Monziona stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated that increasing the height of the chimneys slightly would not impact sanitary sewage disposal or the water supply.
All Board members agreed.

Tim Morgan 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 plan were both in place to address the safety of the building with respect to chimneys and that the Fire Department’s safety issue had been addressed by the applicant.
All Board members agreed.

**Lou LaCourse MOVED grant the Special Exception for Case #Z18-13.
Tim Morgan seconded. Motion PASSED by a vote of (4-0-0).**

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 was Thomas W. Varney, P.E., agent.

The chairman read the public notice for the record.

Tim Morgan asked Paul LaRochelle if he wanted to ask the applicant if they wanted to go forward with only four (4) members of the Board. Paul LaRochelle asked Thomas W. Varney, P.E., if he wanted to go forward; he stated that he did.

**Lou LaCourse MOVED to accept the application for Case #Z18-15 as complete.
Tim Morgan seconded. Motion PASSED by a vote of (4-0-0).**

Thomas W. Varney, P.E., came to the table. He stated that the Goyette’s used this property as a year-round home. A deck was proposed to be added to the lakeside of the house to allow for more enjoyment of the lake. Stormwater measures were in place to intercept stormwater runoff from the deck and infiltrate into the soil. Shrub beds were being planted to restore the natural vegetative buffer to the lake. A DES shoreland permit was pending.

Thomas W. Varney, P.E., explained that the current deck was off the main floor, but was actually 8’ off the ground because the house had a walk out basement. The dug in boat slip provided a bump out for the setbacks, so if that was removed, they would not be in the setback at all. He stated that only half of the deck was within the setback; they were requesting to be 11’ over the setback. He pointed out that the deck would not have a roof or screening, which would have considered it living space, and that was not allowed.

Paul Monzione wanted to know if there were any architectural drawings that showed the elevation. Thomas W. Varney, P.E., did not have any drawings to share with the Board. Paul Monzione thought that it made it difficult to imagine what the deck would look like. He noted that there were two (2) decks indicated in one of the pictures that were submitted, and asked if the first floor deck was going to be expanded, or was it in addition to. Thomas W. Varney, P.E., stated that the decks were on top of each other. Paul Monzione thought having the photographs were sufficient and could take place of the architectural drawings. He pointed out that there was a deck on the first floor and one on the second floor, and it also had a walkout basement. He asked if the deck on the first floor was going to be expanded; Thomas W. Varney, P.E., stated, yes. Paul Monzione asked if the proposed deck was going to be expanded up against the deck that was already there, or would it wrap around the house. Thomas W. Varney, P. E., stated that the proposed deck would expand in front of the current deck by four (4) feet, and when you looked at the windows of the house, that was where it extended 12'. This was indicated in red on the plan. Paul Monzione asked where the 11' encroachment to the setback would be. Thomas W. Varney, P.E., stated it was where the 12' extension would be. Paul Monzione asked if the cut out boat slip counted as the high water mark. John Dever, III, stated, yes.

Thomas W. Varney, P.E., stated that Mr. Goyette had applied to DES to fill in the boat slip; therefore, that would open up that whole area. Paul Monzione confirmed that not only was Mr. Goyette applying to fill in the boat slip, but he was also asking DES to build the deck. Lou LaCourse mentioned that if the boat slip was filled in, then Mr. Goyette did not need to come before the Board. He asked why Mr. Goyette did not just fill in the boat slip first. Thomas W. Varney, P.E., stated that if building within the State's shoreland setback was within the 50', it meant that the structure would be non-conforming, you were allowed to build a deck out 12'. If there was a house built close to the lake, within the 50' State setback, you could expand a deck 12'. If the building was behind that 50' setback, the State did not allow any construction. Once the boat slip was filled in and the house was partially behind the 50' setback, the State would not let them build the deck.

Tim Morgan asked if the Board were to approve this Variance with conditions that the canopy and the boat slip were removed, would that be an acceptable approval. Thomas W. Varney, P.E., stated, yes.

Thomas W. Varney, P.E., read the Variance criteria from his application for the record.

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

DISCUSSION:

Lou LaCourse asked if the Board was going to put a time limit on the construction of the boat slip. John Dever, III, stated that if the Variance was approved, according to State Statute, it would expire in two years if construction did not begin. Lou LaCourse asked what would happen in two years if the deck was built, but the boat slip was never filled in. Paul Monzione stated that the applicant would have to fulfill the condition or they could face consequences.

Paul LaRochelle moved the Board onto the worksheet.

Tim Morgan stated that the variance **will not** be contrary to the public interest. He stated that the public interest would be in protecting the shoreline and making sure the lake was not crowded. He thought that what the applicant proposed with the changes to the shoreline would not be contrary to the public interest.

Paul Monzione agreed, but only on the condition that the approval was obtained by DES.
All Board members agreed.

Lou LaCourse 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 a deck was a common structure in the Lakeshore Residential area. He stated that if the boat slip was filled in, the deck would meet the spirit of the ordinance.
All Board members agreed.

Paul LaRochelle stated that by granting the Variance, substantial justice **will** be done. He stated that by granting the Variance, after the issues with the State were resolved, the house itself would be more conforming. He also noted that by filling in the area of the dugout boat slip would bring this property more into conformance; therefore, substantial justice would be done. Paul Monzione stated that with the conditions being proviso, he would agree. Tim Morgan thought that substantial justice would be done because the benefit to the applicant outweighed any detriment to the public in general.
All Board members agreed.

Paul Monzione stated that the request **will not** diminish the value of the surrounding properties. He stated that the Board did not have any evidence or public input that would indicate that by installing the deck, values of surrounding properties would be diminished.
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:

- (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 Board had already agreed that the proposed use was a reasonable one and he thought that the general public purposes of the ordinances were to protect the shoreline area of the lake. He further thought that Thomas W. Varney, P.E., had accomplished that. The hardship would be that the property was unusually shaped and had a dugout, which changed the high water mark of the lake. Paul Monzione agreed, but he wanted a condition that the applicant received approval from DES. He pointed out that due to special conditions of the property, what imposed the restriction on this property to begin with, under the current zoning regulation, was the fact that a boat slip had been dug into the land, thereby bringing the high water mark closer to the structure. He did not think that the ordinance, or DES requirements, were designed to address that particular situation, it was there to protect the natural shoreline; this shoreline had been altered by construction and now that construction had caused this problem.

All Board members agreed.

John Dever, III, shared with the Board that he had some conditions to this project. The first would be that approval for the deck construction was obtained from DES and the other condition would be that the boat slip would be filled in as described by the applicant.

Paul Monzione MOVED grant the Variance for Case #Z18-15 on the specific conditions that the applicant contain DES approval for the project as described by John Dever, III, and also that the boat slip be filled in as represented, and to obtain approval from DES for filling it in.

Tim Morgan seconded. Motion PASSED by a vote of (4-0-0).

NEW APPLICATIONS

Case # Z18-19 Howard O. Drake 2005 Trust, Howard O. Drake, Trustee, Owner	120 Smith Point Map 64 Lot 28	Special Exception Lakeshore Residential (LR)
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A Special Exception is requested from **Article 300 Section 360** of the Zoning Ordinance to permit the construction of a two (2)-car garage on a lot with no house.

The chairman read the public notice for the record.

Present were Howard O. Drake, Owner, and John Kerrigan.

Paul Monzione pointed out that with the Department Head Reviews, the Conservation Commission took the position that the application was incomplete because they were not given lots referred to in the narrative. Howard O. Drake explained that he had mixed up the lot numbers, but had corrected the narrative. John Dever, III, was not sure exactly why the Conservation Commission made that comment, because he thought everything was in his packet. Lou LaCourse pointed out that the setbacks were missing on the plan. Paul Monzione thought that the Board could ascertain the missing information during the hearing.

**Paul Monzione MOVED to accept the application for Case #Z18-19 as complete.
Tim Morgan seconded. Motion PASSED with Paul LaRochelle, Tim Morgan, and Paul Monzione voting yes, and Lou LaCourse voting no. (3-0-1)**

John Kerrigan and Howard O. Drake came to the table. John Kerrigan was not sure, why the setbacks were required because they were not talking about something that was on the lake; the garage would be quite a distance from the lake on the other side of the road. Paul Monzione stated that when the structure was depicted on the plan, it was helpful for the Board to see where the structure sat on the lot, and to be assured by virtue of that representation that the structure would be built within all of the appropriate setbacks. He suggested that the Board look at the plan that was submitted. He pointed out that Smith Point Road was a right-of-way, but was depicted on the plan as Highland Avenue. John Kerrigan stated that the garage was setback 30' from the edge of the road. Paul Monzione asked if the solid line behind the garage was a property line; John Kerrigan stated, yes. Paul LaRochelle asked how many feet the garage was from the side and back property lines. John Kerrigan stated about 60' westwards, and about 40' southwards, and about 40' northwards. Paul LaRochelle asked what the dotted line driveway was. Howard O. Drake stated it was the proposed driveway, but it actually already existed. John Kerrigan stated that currently, Howard O. Drake was letting their neighbors park their boat trailers on the property.

Lou LaCourse asked how wide the right-of-way was. John Dever, III, stated that as far as he knew, it was the traveled section of that road. He did not know exactly, but it was not a very wide right-of-way. Lou LaCourse asked if there was a standard; John Dever, III, stated, no. Lou LaCourse asked if the 30' distance from the road was allowed; John Dever, III, stated, yes.

Paul LaRochelle pointed out that the garage was going to be 24' x 24', had no electricity or water, and was strictly for storage. John Kerrigan confirmed that was correct. Paul Monzione stated the Board had deemed the application complete, but asked if Howard O. Drake had anything to submit to the Board that

would enable them to make the determination that the architectural style was visually compatible. He was looking for pictures or something that would indicate what the surrounding properties looked like. John Kerrigan stated that the garage would be a wooden frame and would be of similar style to the surrounding houses, and in fact, it would not be very visible from the road because of the way it was set back from the road. Howard O. Drake stated it would have T1-11 on the outside and would be painted brown with white trim. Lou LaCourse stated that in the description, it referred to Lots 9 and 28, and the more he thought about it, this was why the Conservation Commission stated there was not enough information. John Dever, III, stated that the pie shaped lot was Lot 28, and their other Lot 9, was across the street.

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

Paul LaRochelle moved the Board onto the worksheet.

Paul LaRochelle stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B. Tim Morgan agreed, but not to Lou LaCourse's specifications. Paul LaRochelle agreed with Tim Morgan.

Paul LaRochelle, Paul Monziona, and Tim Morgan agreed. Lou LaCourse disagreed.

Paul Monziona stated that the specific site **is** an appropriate location for the use. He stated that the use was a garage, the zoning ordinance specifically referenced a garage as a type of structure that could be a principal structure on a lot; therefore, this proposal for a garage was an appropriate location for the use. All Board Members agreed.

Tim Morgan stated that factual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He thought that this garage was similar to the surrounding structures in the area and that it should not impact the value of surrounding properties. All Board Members agreed.

Lou LaCourse stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there were no abutters present at the meeting for or against the application. 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. He stated that this was a garage, which would be strictly used for storage for the property owner. Tim Morgan stated that the garage would be accessed by a driveway, which was represented to exist currently. All Board Members agreed.

Paul Monziona stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated the structure would not have any electricity or utilities including plumbing and would function as a garage without the need for such. All Board Members agreed.

Tim Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated that Paul Monziona just pointed out that the building would not be supplied with water; therefore, disposal would not be an issue. All Board Members agreed.

Lou LaCourse 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 allowed garages as the principal structure on a lot with a Special Exception. Tim Morgan stated that a garage was specifically allowed by the ordinance. All Board Members agreed.

**Tim Morgan MOVED grant the Special Exception for Case #Z18-19.
Paul Monziona seconded. Motion PASSED by a vote of (4-0-0).**

Case # Z18-20 Aimee Bentley/Beckwith Builders, Inc., Agent for Steven & Susan Colclough	388 Route 11D Map 54 Lot 6	Special Exception Residential Service (RS)
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A Special Exception is requested from **Article 300 Section 328** of the Zoning Ordinance to permit a chimney to extend above the 35’ maximum height requirement, making it a total of 38’ 10 ½” above average grade.

The chairman read the public notice for the record.

Present was Aimee Bentley, agent.

Paul Monziona shared that in the past, he had a professional relationship with Beckwith Builders, Inc., and he also had a personal relationship with the principal of that company. He had also stated that in the past, he did not feel that would in any way adversely impact his ability to be objective on this matter. If any member of the public, the applicant, or anyone else requested him to recuse himself, he would be more than happy to. No one objected.

Tim Morgan moved to accept the application for Case #Z18-15 as complete.

DISCUSSION:

Lou LaCourse did not see the setbacks indicated on the plan. John Dever, III, stated that the Board had previously granted a Variance to allow one of the last residential homes to be built in this zone, and the plans for that project had the setbacks. The physical location of this home had been previously approved by the Board. Aimee Bentley stated that the plan was missing the 10’ setbacks, but they were more than 10’ from the side setback, and she agreed that it was not depicted on this plan.

Lou LaCourse seconded. Motion PASSED by a vote of (4-0-0).

Aimee Bentley came to the table. She stated that when the Colclough’s purchased the property in 2015, they wanted to see if everything would be approved and buildable, so they completed their septic design in 2015, and they had submitted an updated shoreland plan, which was currently at the State office.

Aimee Bentley stated that the lot was a gently sloping lot with about a 4’ elevation change and grade from the front of the house to the back; 5’ 12” on the front, the driveway was at 5’ 10 ½”, and the lakeside was at 5’ .08”. The main roof of the house met the height requirement and was 31’ from average grade; most of the roof was below 31’. She mentioned that they had decided to pop up the center section of the roof with a steeper 11 pitch. She pointed out that it was the main chimney that needed to be 2’ above the highest point. She shared that the Colclough’s were taking down two (2) existing cottages and they were

improving the neighborhood. She also shared that Mr. Colclough owned two (2) lots across the street; therefore, this proposed chimney would not block anybody's view. There was going to be a new well, new septic, and new driveway installed.

Tim Morgan asked that when the Fire Department approached the front of the house, what was the height of the chimney. Aimee Bentley stated from the elevation at the front door, the grade point was 33' 2". Paul Monziona asked if there were any comments from the Fire Department on the Department Head Reviews. Paul LaRochelle stated that the comment was: "access appeared adequate, no other concerns."

John Dever, III, stated that the existing conditions plan that was done in 2015 showed two (2) cottages on it, since then, Mr. Colclough took one of the cottages and moved it across Route 11D to his back lot and put it on a foundation and added a small addition.

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

Paul LaRochelle moved the Board onto the worksheet.

Paul Monziona 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 a Variance had been approved for this property about two (2) years ago as a residential site. Paul Monziona stated that the height of the chimney was not changing 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. He stated that no factual evidence was presented in either direction. Paul Monziona agreed that values would not be reduced due to incompatible land uses.

All Board Members agreed.

Paul LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He stated that no one was present at the hearing to speak either for or against the application; therefore, he thought there was no valid objection.

All Board Members agreed.

Paul Monziona 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 the only type of traffic dealt with was aircraft, which there was no evidence it would pose an undue hazard, and nothing by way of pedestrian or vehicular traffic would be impacted by this increase in chimney height. Tim Morgan agreed that chimney height would not affect traffic.

All Board Members agreed.

Tim Morgan stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated that was not an issue with the chimney, and it was proved through the Variance.

All Board Members agreed.

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

stated that with this project, the chimney was not going to use either.
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. He stated that this had been pre-approved for a property to be built in the past and the extension of the chimney was not going to change the Master Plan. Paul Monziona thought that the zoning ordinance for a Special Exception specifically contemplated chimneys in these circumstances. Tim Morgan thought that the intent of the ordinance was the safety of the structure and the Fire Department had signed off.
All Board Members agreed.

**Paul Monziona MOVED to grant the Special Exception for Case #Z18-20.
Lou LaCourse seconded. Motion PASSED by a vote of (4-0-0).**

OTHER BUSINESS

1. Previous Business:

2. New Business:

- a. Memo dated July 3, 2018, from Nic Strong, Town Planner, re: ZAC Membership for 2018/2019.

Paul Monziona nominated Paul LaRochelle to sit on the ZAC Committee. Paul Monziona, Tim Morgan, and Lou LaCourse had sat on the Committee for several years and wanted to give other members a chance to sit on the Committee. Paul Monziona suggested waiting until the next scheduled meeting to see if either Andrew Levasseur or Frank Rich would be interested in sitting on the Committee.

- b. Letter dated June 25, 2018, from West Alton Marina, requesting extensions on various Variances.

John Dever, III, stated that West Alton Marina was concerned because one of their Variances was going to expire in July. The State Statute stated that if a Variance had not been exercised in a two-year period, then it would expire, but the applicant could ask for an extension. He stated that he asked Jim Sessler, Esq., Town Counsel, about this issue, and what Jim Sessler, Esq., considered exercising, was the Marina had done some land clearing to do their engineering, (at this point, the Marina had spent over \$100,000 in permits for the Army Corps, EPA, and DES) and they have been before the Alton Conservation Commission a couple of times. The consensus was by investing that much effort into this project and they were close to having their final approvals by DES so the Marina could physically go forward, there had been enough effort expended to say that the Marina had exercised their Variance; therefore, there was no need to come back for an extension.

3. Approval of Meeting Minutes: May 3, 2018, and June 7, 2018.

Tim Morgan stated that he found a spelling error next to the last line on page 9; “raising” should be spelled “razing”.

**Lou LaCourse MOVED to approve the minutes of May 3, 2018, as amended.
Tim Morgan seconded. Motion PASSED by a vote of (4-0-0).**

Paul LaRochelle suggested continuing the approval of the June 7, 2018, to the next scheduled meeting on August 2, 2018, because only two (2) of the members that were at that meeting were present tonight. All Board members agreed.

4. Correspondence:

ADJOURNMENT

**At 7:43 P.M., Lou LaCourse MOVED to adjourn.
Paul Monziona seconded. Motion PASSED by a vote of (4-0-0).**

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as submitted: August 2, 2018