

**Town of Alton  
Zoning Board of Adjustment  
Draft Public Hearing Minutes  
July 10, 2014  
Approved August, 7, 2014**

**I. Call to order**

Paul Monzione called the meeting to order at 7:00 pm.

**II. Introduction of Code Enforcement Officer and Zoning Board Members**

Paul Monzione, Chair, introduced himself and the members of the Zoning Board of adjustment:

John Dever, Code Enforcement Officer, Alton  
Paul Larochelle, Member  
Tim Kinnon, Alternate Member  
Paul Monzione, Chair  
Lou La Course, Member, (Selectman liaison)  
Steve Miller, Member

**III. Appointment of Alternates**

There was no appointment of alternates

**IV. Statement**

The purpose of this hearing is to allow anyone concerned with an appeal to the Board of Adjustment to present evidence for or against the appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds, which the Board must consider when making a determination. The purpose of the hearing is not to gage the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

**V. Approval of the Agenda**

John Dever had a couple of items, one being that the continued amended application for Marie Casaccio, he would like to strike Z14-09, that was the special exception that was granted at the last and

this is just for the Variance Z14-10 and then the new application are in reverse order. He recommends taking the Z14-10 at the bottom of the list first, and then continuing in order. P. Monziona clarifies that the placement of the applications are in reverse on the agenda but they will continue in numerical order. Therefore, the continued Z14-10 application would be the first case of the evening then the new applications in numerical order. With these amendments S. Miller motioned to approve the agenda L. LaCourse seconded. All in favor no opposed. The agenda was approved unanimously as corrected.

### **Continued /Amended application**

**Z14-10        Map 41/Lot 46  
Marie J Casaccio Rev Trust  
Marie Casaccio, Trustee**

**Variance  
13 Hummingbird Lane**

On behalf of Marie J Casaccio Rev. Trust, Marie Casaccio, Trustee, Thomas W Varney PE of Varney Engineering is requesting a Variance from Article 300 Section 327 A.2 of the Zoning Ordinance to permit the applicant to add a 12' x 28' addition to the back of the cottage. This property is located in the Lakeshore Residential Zone.

J. Heighton and T. Varney approached the Board. P. Monziona questioned if there were any questions or changes to the continued application since at the last hearing it was determined and accepted as complete. J. Heighton, Sterling Consultant stated it is the same with the exception of the porch, the Special Exception, which has been taken off and it is just for the Variance both for the addition and the setback off the right of way. Everything else should be the same. P. Monziona stated that with the representation that the application is the same application that was previously submitted at the last hearing; the application has already been accepted and is it the application going to be used. J. Heighton states correct. He states it is the same addition but in order to accommodate some of the previous concerns, they have slid the addition over. There was a new plan showing the placement of the addition given to the Board. J. Dever stated the new plans were not submitted by the deadline and questions if any abutters have had an opportunity to view them. P. Monziona brings up this information is in addition to the application submitted. This plan depicts the placement of the addition in a different location than the plan submitted with the first application. T. Morgan proposed a continuance. S. Miller states it is a substance change and should be continued. T. Heighton states if the plan was done on time they would have been submitted.

T. Morgan motions a continuance and L. LaCourse seconded the motion. All in favor none opposed. To be continued August 7, 2014.

**Z14-11**  
**William F & Dale W Publicover**

**Map 6/Lot 18-3**

**Special Exception**  
**Suncook Valley Road**

William F and Dale Publicover are proposing to build a personal residence with a garage for storing contractor equipment. A Special Exception is needed under Article 400 Section 401 Retail Business & Services #15 Contractor Equipment Storage. This property is located in the Rural Zone.

Application was reviewed for completeness.

T. Morgan motioned to approve the application, L seconded. All in favor.  
None opposed

William and Dale Publicover approach the Board. They reside in Alton and have had a business in Alton 22 years. He would like to combine everything on his property to one and downsize. He has small construction equipment and it will be stored under cover. The building housing the equipment will be facing Rte 28. He does not store gasoline on the property. There are trees buffering the neighbor's property. There will be electricity, plumbing for the residence. T. Morgan asked about a DOT driveway. It is being worked on now. P. LaRochelle asks about the two car garage. That is for the residents.

The floor was opened to public input in favor of the application. There was none

The floor was opened in opposition to the application. There was none.

### **Worksheet**

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

L. LaCourse stated the specific site is an appropriate location for the use. All agree

S. Miller states factual evidence is not found that the property values in the district will be reduced due to incompatible uses. All agree

P. Larochelle states there is no valid objection from abutters based on demonstrable fact. All agree

T. Morgan states there is no undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off street parking. All agree

P. Monziona states adequate and appropriate facilities and utilities will be provided to ensure proper operation of the proposed use or structure. All agree

L. LaCourse stated the proposed use of structure is consistent with the spirit of this ordinance and the intent of the Master Plan. All agree

S. Miller motioned to grant the special exception with P. Larochelle second. P. Monziona motioned to amend the application to add no fuel or hazardous storage of material, adequate septic and utilities be provided and to comply with the Fire Department concern. S. Miller accepted the amendments and second to the motion. All in favor none opposed.

## **New Applications**

### **Z14-12 & Z14-13 Map 21/Lot 12-2 Amended Special Exception & Variance Forest Brook Realty Trust Forest Brook Lane**

On behalf of Forest Brook Realty Trust, Regina A. Nadeau, Trustee is requesting to Amend the Special Exception to Article 320 A:1 (Z13-02) granted March 7, 2013 due to a revised footprint. Also requested is an amendment to the Variance to Article 320, Sections A6 & A7 (Z13-06) granted May 16, 2013 due to a revised footprint. This property is located in the Lakeshore Residential (LR) Zone.

On application Z14-12 L. LaCourse motioned as complete and Paul LaRochelle second. All in favor as complete.

On application Z14-13 L. LaCourse motioned as complete and T. Morgan second. All in favor as complete.

P. Monziona questions Regina Nadeau, Trustee of the Trust and legal counsel about the revised footprint as it pertains to the Special Exception from March 7, 2013. The proposal is not to change the use at all. All that is proposed is to reduce the size of the structure that was the subject of the special exception. She questions the need for an amendment to the special exception and believes the original special exception covers this change. P. Monziona states applicant represented a structure of certain size and is being changed in size. He talks about representation of an application and if the information changes and whether a new application is needed. R. Nadeau states the structure will be conforming. There was more discussion regarding moving forward or to go through the process. It was decided to make a formal motion to decide whether the applicant needs to be there. S Miller made a motion to proceed and P. LaRochelle second. All in favor none opposed.

P. Monziona clarifies that the structure will be reduced in size and the footprint will change. R. Nadeau would like to discuss both applications. The reconfiguration of "Oakland" plan is submitted. The Right of Way is discussed. Her question is , is the Board willing to review the plan which was prepared by Brian Berlind that overlays the architects plan onto Brian's plan. They were willing to review the overlay. Two cabins will be razed. The proposed structure will be further away from the lake. It will be reduced by 400 square feet. R. Nadeau stated for the record that it is their position is the ordinance does not have any setback.

The floor was opened to the public. Atty. Art Hoover is an abutter he would like to speak. He is pleased with the plans. It shows the existence of the ROW. The floor was opened to anyone opposed, there were none.

### **Worksheet for Variance**

L. LaCourse stated the variance will not be contrary to the public interest. All agree

S. Miller stated 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 agree

P. LaRochelle stated by granting the variance, substantial justice will be done. All agree

T. Morgan stated the request will not diminish the value of the surrounding properties. All agree

P. Monziona stated no fair and substantial relationship exists between the public purposed of the ordinance provision and the specific application of that provision to the property and the proposed use is a reasonable one. All agree

P. Monziona that the criteria in the summary statement has been met and all agree.

L. LaCourse made a motion to grant Z14-13. P. LaRochelle second. S. Miller proposed an amendment that the map on the board (proposed home and garage for Forest Brook Realty and Trust dated July 10, 2014) file #07224-4.

P. Monziona also wanted to add the Fire Department nfpa 101 fire code should be included. L. LaCourse accepted amendment S. Miller second as amended. All in favor none opposed. Application for variance granted.

### **Worksheet for Special Exception**

S. Miller stated a plat has been accepted in accordance with the Town of Alton Zoning Ordinance Section 520 B. T. Morgan acknowledges a different plat has been submitted than previously submitted. All agree

P. Larochelle stated the specific site is an appropriate location for the use. All agree

T. Morgan stated factual evidence is not found that the property values in the district will be reduced due to incompatible uses. All agreed

P. Monziona stated there is no valid objection from abutters based on demonstrable fact. All agree

L. LaCourse stated there is no undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off street parking. All agree

S. Miller states adequate and appropriate facilities and utilities will be provided to ensure proper operation of the proposed use or structure. All agree

P. LaRochelle stated there is adequate area for safe and sanitary sewage disposal and water supply. All agree

T. Morgan stated the proposed use of structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

S. Miller moved to approve the application. T. Morgan asked for it to be amended to include the plat information as above and P. Monziona for the fire compliance as above to be added. S. Miller agreed. L. LaCourse second. The special exception has been approved unanimously.

### **Other business**

1. Previous business

There was none

2. New business

There was none

3. Minutes: April 3, 2014 & June 5, 2014

The minutes of April 3, 2014 were approved with one typo on page 7 at end of paragraph “by” should be “but”. L. LaCourse motioned to approve as amended and S. Miller second. T. Morgan abstained. Four in favor

Minutes of June 5, 2014. J. Dever stated Mr. Heighton had provided him with his own minutes. It was determined that the name Heighton was typed incorrectly multiple times and should be changed to reflect J. Heighton.

S. Miller made a motion to attach Mr. Heightons comments to the Boards minutes of June 5, 2014 as public comments. L. LaCourse second. Unanimously voted to attach the comments to the minutes and T. Morgan abstained from any changes to the minutes. Four in favor

### **Correspondence**

None

### **Adjournment**

L. LaCourse motion to adjourn and T. Morgan second. All in favor at 9:17 pm

Respectfully submitted,  
Pat Pizzano, Recording Secretary