

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Public Hearing
September 3, 2015
Approved as amended 10-1-15**

I. CALL TO ORDER

Timothy Morgan, Chair, called the meeting to order at 6:11 p.m.

The following members were present: John Dever, Code Enforcement Officer; Timothy Morgan, Chair, Paul Monziona, Vice Chair, Paul Larochelle, Member, and Lou LaCourse, Member. Steve Miller, Member, was absent at the time the meeting was called to order, and arrived at 6:50 p.m., while the board was in a recess.

II. APPROVAL OF THE AGENDA

J. Dever reported that the applicant Z15-18, the Alton Bay Campmeeting Association, had requested to be heard next month. P. Monizone discussed a possible continuance for this case. J. Dever noted the application was not accepted.

P. Monziona motioned to move Other Business up on the agenda, and to hear the one case on the agenda afterwards; second by L. LaCourse, which passed unanimously. (4-0-0)

III. MEETING MINUTES

Corrections: T. Morgan, Vice Chair, should be corrected to say Chair. Under the alternates, it should read there was a quorum, not a five member board. On page 4 of 9, there was a typo, counsel. On page 7, correct it to say P. LaRochelle, not L. LaCourse for the worksheet. On page 8, at the top, there should be an L, where there is a P, and correct P. Monziona's last name.

P. Monziona motioned to approve the meeting minutes of July 2, 2015, as amended; second by L. LaCourse. Motion passed unanimously. (4-0-0)

IV. OTHER BUSINESS

There was a brief discussion of a legal case.

The board discussed recessing until 7:00 p.m., so they could hear the first case at 7:00 p.m., in accordance with the notices and postings for the meeting.

P. Monziona motioned to recess the meeting until 7:00 p.m.; second by P. Larochelle. Motion passed unanimously. (4-0-0) The meeting recessed at 6:23 p.m.

V. INTRODUCTION OF THE BOARD MEMBERS

The meeting reconvened at 7:00 p.m.

T. Morgan introduced the board members and the Code Enforcement Officer. All members were present at the time the meeting reconvened.

V. STATEMENT OF THE APPEAL PROCESS

T. Morgan stated that the board was seeking alternates.

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 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 has been or will be met.

T. Morgan stated that the board had recessed due to concerns about the posting and schedule. He noted the board had already approved the agenda and meeting minutes.

VI. NEW APPLICATIONS

Z15-17 Holt Hill Revocable Trust	Map 12, Lot 7	Special Exception Bay Hill Road
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J. Dever read the case: Elaine and Rossiter Holt, Trustees of the Holt Hill Revocable Trust are requesting a Special Exception to Article 400; Section 401, Table of Uses, Residential uses #10, to permit the building of a 30' X 40' garage. This property is located in the Rural Residential (RR) Zone.

T. Morgan invited the applicants to the table. Elaine and Rossiter Holt introduced themselves.

P. Larochelle motioned to accept the case as complete; second by L. LaCourse. Motion passed unanimously. (5-0-0)

Rossiter Holt spoke about his request to build a garage for his personal vehicles and to store his items. The lot was acquired in an auction last year. The current property would not support a garage. The lot has an approved septic design, but there will not be running water at the garage. There may be a house placed on the property in the future.

S. Miller asked why the applicants were building a garage before they were going to build a house on the property. Rossiter Holt replied he was not planning to build at this time. He stated he was not planning on attaching the garage to the dwelling and felt there were issues, such as firewalls, and things that would need to be addressed by attaching it to a house. J. Dever spoke

about the need for frost walls, and the details of attaching a slab foundation to a fixed foundation, noting it was not ideal.

S. Miller asked the size of the garage. Rossiter Holt replied it will be 30'x40', 1200sf, and there will be no running water in the garage.

P. Monziona noted that the applicants had started clearing the lot. He reviewed the details of the project, and asked if there would be water or sewage, if there would be a dwelling, and if it would be heated. The applicant responded that there would not be water or sewage, there would not be a dwelling, but that the garage would be heated in the winter.

L. Lacourse requested clarification on the photos that were submitted with the application. The applicants noted that the writing on the photo was from the proposed septic design.

S. Miller asked if the applicant could not guarantee that they would not build a house on that lot. The applicant responded that he could not guarantee that and noted they would need to come back to the board.

T. Morgan opened the floor for input.

Cynthia _____, stated she was an abutter and spoke about the clear cutting that was done by the applicants. S. Miller clarified the speaker's intent, and she responded that she was speaking against the application. S. Miller called a point of order.

T. Morgan asked if anyone was going to speak in favor of the application. There was no response.

T. Morgan asked if anyone wanted to speak against the application. The speaker stated the applicants had clear cut the land, and she would be left with an unappealing view. She spoke about the slope of the lot. She stated it was a nice residential area and felt the garage would be inappropriate in the area. She felt that some kind of trees or plantings around the area would help. She noted she was at Map 12; Lot 8, and handed the board photos of the area where the garage will be built. She stated the lot would be just a big garage and did not know how a house would later be placed on the property. She felt it would devalue her property, and disrupt the wildlife.

P. Monziona asked her if she had any data or factual evidence that the proposed structure would devalue her property. She responded that she did not have that, but she could get that for the board.

T. Morgan asked if anyone would like to speak against the application. There was no response.

Rossiter Holt apologized to Cynthia _____ for not meeting her prior to the hearing tonight. He noted that he would not have had to come before the board if he was going to put a dwelling above the garage. P. Monziona asked the applicant to show the board where a house would go, if one was going to be placed on the lot. Rossiter Holt showed P. Monziona where the house would be placed on the property, noting the setbacks and boundaries of the property on the map.

T. Morgan asked about the approvals for septic for the lot, and J. Dever confirmed that there is a DES approved, two bedroom septic design on file. It is a consisting non-conforming lot (grandfathered), which makes it a build-able lot.

Rossiter Holt stated that he had considered a smaller structure, 24' x 32' (768sf), but had not discussed it fully with the Code Enforcement Officer. S. Miller asked if a dwelling would be placed above the smaller proposed garage, and the applicant responded that they would not place a dwelling above the garage.

S. Miller called the opposing abutter back to the table, and asked if the smaller structure would be more acceptable to her, the smaller proposed garage. She responded that it would be acceptable.

J. Dever reviewed the zoning regulation for build able lots, 300.20.C.2.

S. Miller asked the applicants if they would be willing to reduce the size of the garage to appease the abutters, and the applicants responded they would be willing to make the change.

P. Monziona discussed whether there was a valid concern about opposing the original proposed structure. He felt that the opposing abutter had presented good reasons for her objections, as she was used to the lot being a wooded lot, but noted that the applicant was within their rights to clear the lots. T. Morgan.

WORKSHEET:

P. Monziona stated that the specific site ***is*** an appropriate location for the use because there is no change in the use of the specific site. S. Miller, P. Larochelle, T. Morgan, and L. Lacourse agreed.

L. Lacourse stated that factual evidence ***is not*** found that the property values in the district will be reduced due to incompatible uses because it does not impact the abutters in any way. P. Larochelle, T. Morgan, P. Monziona, and S. Miller all agreed.

P. Larochelle felt that there ***is no*** valid objection from abutters because there is no negative impact. T. Morgan, P. Monziona, L. Lacourse, and S. Miller all agreed. It was noted that there were no comments from abutters or from the public.

T. Morgan stated that there ***is no*** undue nuisance or serious hazard to pedestrians or vehicular traffic, including the location and design of access ways and off-street parking. P. Monziona, L. Lacourse, S. Miller, and P. Larochelle agreed.

P. Monziona stated that adequate and appropriate facilities and utilities ***will be*** provided to insure the proper operation of the proposed use or structure because adequate and appropriate facilities are already provided on the site. L. Lacourse agreed, S. Miller felt the roof would last longer because of this change, and agreed. P. Larochelle and T. Morgan also agreed.

L. Lacourse stated that there ***is*** adequate area for safe and sanitary sewage disposal and water supply. P. Larochelle, T. Morgan, P. Monziona, and S. Miller all agreed.

S. Miller stated that the proposed use or structure ***is not*** consistent with the true spirit of the ordinance and the intent of the master plan. He stated there were no guarantees that there would not be a dwelling or home on the property, and felt it was not consistent with the spirit of the ordinance. P. Larochelle disagreed, and felt ***it is*** consistent with the buildings in the surrounding area, and felt it would be more acceptable. T. Morgan felt ***it is*** consistent with the Master Plan, and felt it was a special exception that still met the intent of the master plan. P. Monziona felt ***it is*** in the spirit of the Master Plan, and noted that the Zoning Regulation Committee carefully studied the zoning of a garage without a home. He noted that the regulation that permitted reflected the intent of the public, and felt the application was consistent. L. Lacourse felt ***it is*** reflected the zoning regulations and the Master Plan. It was noted that four members of the board disagreed with S. Miller's initial statement.

P. Monziona motioned to approve the request in application Z15-18, with the conditions that the structure be no bigger than 24' x 32', that it is only used for a garage, and that it is not used for a dwelling. Second by P. Larochelle. Motion passed by unanimous vote. (5-0-0).

Richard Rush asked the board if the conference center was going to talk to the board. J. Dever reported that the center would be back next month, and that abutters would be re-noticed for next month.

It was noted that the October meeting would start at 6:00 p.m.

P. Monziona stated he did not understand the Campground's agency letter or who was signing it. He asked J. Dever to address the issue with the Campground.

L. Lacourse motioned to adjourn. Second by P. Larochelle. Motion passed by unanimous vote. (5-0-0).

The meeting adjourned at 7:57 p.m.

Respectfully Submitted,

Krista Argiropols
Recording Secretary