

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Public Hearing
September 6, 2012
Approved 10/4/12**

I. CALL TO ORDER

Tim Morgan, Vice-Chair, called the meeting to order at 7:00 p.m. Tim Kinnon, Chair, was not in attendance at this meeting.

II. INTRODUCTION OF PLANNING DEPARTMENT AND ZONING BOARD MEMBERS

Tim Morgan, Acting Chair, introduced himself, the Planning Department Representative, and the members of the Zoning Board of Adjustment:

John Dever, Building Inspector and Code Enforcement Officer
Paul Monziona, Member
Lou LaCourse, Member
Steve Miller, Member
Paul Larochele, Alternate

III. APPOINTMENT OF ALTERNATES

P. Monziona made a motion to appoint Paul Larochele as an acting member for this meeting. S. Miller seconded the motion which passed with four votes in favor, none opposed, and no abstentions.

IV. STATEMENT OF THE APPEAL PROCESS

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.

V. APPROVAL OF THE AGENDA

There were no changes to the posted agenda.

S. Miller made a motion to approve the agenda as presented. P. Monziona seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

VI. NEW APPLICATIONS

Case #Z12-12 34 Roger Street	Appeal of Administrative Decision Map 17 Lot 11	Fortier, Tibbetts, and Fortier Shea Recreational Service District
---	--	--

On behalf of Brian A. Fortier, Deirdre A. Tibbetts, and Allyson Ruth Fortier Shea, Paul C. Bordeau, PLLC, is requesting an Appeal of Administrative Decision regarding a decision made by the Code Enforcement Officer that the client needs to receive approval from the Alton Planning Board for a Site Plan Review before the campground can be legally established on the property and reopened for business.

J. Dever read the case into the record. The applicant is requesting a continuance to October 4, 2012.

The Board deliberated the completeness of the application. T. Morgan confirmed through questioning that plats/engineered plans are not required for an Appeal of Administrative Decision.

Mr. Monzione spoke to the issue of completeness; since this is an Appeal the usual requirement of plats/plans may not be applicable but he is still not sure the application is complete. He referenced Section 3 of the application which references the definitions; the subject property is being used as a marina, not a campground as provided in the definition in Article 200. The application is asking the Board whether the proper definition under the Zoning Regulation was applied by the Code Enforcement Officer for the use at this location. P. Monzione asked J. Dever if that matched his understanding of the purpose of the application; J. Dever responded that his understanding was that the applicant needed site plan approval – even if it is covered under Marina, which mentions camping facilities, each use or activity has to be approved as a Site Plan with a location set on the site plan indicating where the camping is.

T. Morgan asked if a written copy of J. Dever’s opinion had been provided to the applicant; J Dever answered that it was. T. Morgan asked if that written opinion was part of the application; J. Dever responded that it should have been part of the package. He produced his copy and provided a copy to each of the members.

T. Morgan stated the two issues before the Board – whether or not the application is complete, and whether the ZBA has any jurisdiction to make decisions in this case. S. Miller ascertained that plans are not needed; J. Dever stated that it is not an issue of location but more that the use is being done on the property without appropriate approvals. S. Miller stated that it appears then that the package is complete, as long as there are no missing documents. P. Monzione asked if the letter from the Code Enforcement Officer, which was supplied by the Code Enforcement Officer, was part of the application. J. Dever explained that there was correspondence between himself and Attorney Bordeau; his second letter and the response from the attorney are part of the package.

T. Morgan commented that this is a novel position for him – whether or not the Board can accept as complete an application over which they may not have jurisdiction. J. Dever explained that there is a copy of his original letter in the application file.

P. Monzione is of the opinion that the applicant has interpreted Mr. Dever’s letter as a determination that the applicant is operating a campground; the applicant is saying he is operating a marina and that the definitions in Article 200 are being misapplied to this use. His use meets the definition of a marina; it is not a campground and therefore does not require a site plan review. However, the Code Enforcement Officer is stating that either use, whether it is a marina or a campground, would require a site plan review, so it is not a discussion over definitions; it is a dispute over the need for a site plan review and does not matter whether it is a campground or a marina. J. Dever agreed. P. Monzione stated that based on that, he could agree that the application is complete.

S. Miller made a motion to accept the application for Case Z12-12 as complete. P. Monzione seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

S. Miller made a motion to grant the request for continuance of Case Z12-12 to the October 4, 2012 meeting. P. Monzione seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

Case #Z12-14 Bay Hill Road (6 Viewland Court)	Variance Map 33 Lot 77	Bertram P. Beaulieu Residential District
--	---	---

On behalf of Bertram P. Beaulieu, Attorney Arthur W. Hoover of Alton Law Offices is requesting a variance for the placement of a Park Model Home on camp site #2 in Viewland Campground.

J. Dever read the case into the record.

S. Miller made a motion to accept the application for Case Z12-14 as complete. P. Larochelle seconded the motion.

Prior to the vote, P. Monziona requested discussion; he acknowledges that the town does not want to impose the expense of an engineered drawing on every applicant who comes in, but he is having difficulty as this application gives no information about setbacks or any scale drawings or photos to show the location of the structure on the property. L. LaCourse agreed; there is nothing about setbacks and the one drawing is very general. It seems that a 56 lot campground should have something more dynamic to show the location of the structure. J. Dever explained that this variance is generated by one of his decisions; the park model home has already been set. It does not fit the definition of a recreational vehicle in that it can not be moved from the existing location. There are no other park model homes in place in the campground. J. Dever explained that it is a pre-existing, non-conforming campground. An RV was removed and the park model was placed there. J. Dever explained that the location of the park model does not affect any setbacks.

The vote on the above motion was four votes in favor, one vote in opposition (L. LaCourse) and no abstentions.

The applicant in this case is requesting a continuance to April 4, 2013. This has been discussed with Town Counsel, and the reasoning is due to the fact that the campground is closing for the season in mid-October. Campground definitions are going to be under discussion during the Zoning Amendment process; the campground will not be in use until after the Warrant Article is voted on during the March, 2012 voting. Attorney Hoover has supplied a statement assuring the Board that this property will not be inhabited until after the Warrant Article vote, or until after this Board meets in April, 2013, to make a decision on this application.

P. Monziona made a motion to approve the request for continuance for Case Z12-14 until April 4, 2013, on the conditions that the property not be used during the intervening time, and that there is no prejudice to the position of the town due to the delay. S. Miller seconded the motion which passed with five votes in favor, none opposed and no abstentions.

Case #Z12-15 Stockbridge Corner Road	Variance Map 5 Lot 17-1	Michael Gawlicki Rural District
---	------------------------------------	--

On behalf of Michael Gawlicki, Attorney Arthur W. Hoover of Alton Law Offices is requesting a variance for the installation of a 28 year old mobile home 12 feet in width on his property at a location to the rear of the property, approximately 700 feet from Stockbridge Corner Road.

J. Dever read the case into the record.

P. Monziona made a motion to accept the application for Case Z12-15 as complete. L. LaCourse seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

The applicant is also requesting a continuance to the October 4, 2012, meeting.

P. Monziona made a motion to approve the request for continuance for Case Z12-15. L. LaCourse seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

VII. OTHER BUSINESS

A. Previous Business: None

B. New Business: None

C. Minutes: August 2, 2012 – on page 1, the reference to T. Kinnon is incorrect; that should read T. Morgan.

P. Monzione made a motion to approve the minutes as amended. L. LaCourse seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

D. Correspondence: Brochures for the Law Lecture Series are provided for each member.

The Zoning Amendment Committee will begin meetings on September 12, 2012 at 5:30 p.m.

Spring Haven Campground has decided to proceed with the Planning Board Process rather than pursuing the Appeal of Administrative Decision. There was discussion of the placement and measurements of the train station moved to that property; J. Dever will have answers to the conditions forthcoming.

S. Miller commended the recorder and the accuracy of the minutes and stated that before budget season, he would like to have a discussion concerning the recorder's compensation. This item will be placed on the next agenda.

VIII. ADJOURNMENT

P. Monzione made a motion to adjourn. S. Miller seconded the motion which passed with five votes in favor, none opposed, and no abstentions.

The meeting adjourned at 7:35 p.m.

The next regular ZBA meeting will be held on October 4, 2012, at 7:00 p.m.

Respectfully submitted,

Mary L. Tetreau
Recorder, Public Session