

**TOWN OF ALTON
ZONING AMENDMENT COMMITTEE
MINUTES OF 2017
SEPTEMBER 26, 2017**

APPROVED

Members Present:

Paul Monzione, Chairman
Tom Hoopes, Member
Tim Morgan, Member
Scott Williams, Member
Virgil MacDonald, Selectmen's Rep.

Others Present:

Nic Strong, Town Planner
John Dever, III, Code Official
Jessica A. Call, Recording Secretary

CALL TO ORDER

Paul Monzione called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

Paul Monzione asked Nic Strong if there were any changes to the agenda; she stated, no.

**Scott Williams moved to accept the agenda as presented.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

CONTINUED BUSINESS

I. Old Business

Paul Monzione suggested that when meetings were scheduled, to have an email sent from the Planning Department to all members informing them of when and what time the meeting would take place, and to have members respond back as to whether they would be attending the meeting or not.
All members agreed.

II. New Business

Paul Monzione addressed the proposed amendments for the 2018 ballot vote:

PLANNING BOARD PROPOSED AMENDMENT #1:

SECTION 360 NON-HABITABLE STRUCTURE AS PRINCIPAL BUILDING ON A LOT

(Added March 11, 2014)

See Table of Uses, Section 401

A non-habitable structure may be permitted as the principal building on a lot provided:

1. A shed is a permitted use in all districts provided:

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- a. a shed includes no more than two hundred forty (240) sq. ft. (for example 12' x 20'); and
 - b. a shed is limited to one floor.
2. A private garage, workshop or shed larger than provided above may be permitted, *per Section 401 Permitted Uses - Table of Uses*, if a Special Exception is approved by the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant the Special Exception if they determine the following criteria are met in addition to the Special Exception criteria specified in Section 520:
- a. the architectural style, building size, building height, and exterior building materials of a private garage or workshop shall be visually compatible with other buildings in the neighborhood; and
 - b. an attic in a private garage or workshop is restricted to storage or workshop use only, must be unfinished floor space, and not used for habitation.
 - c. *this use is not permitted in the Recreation Service (RS) Zone.*

TABLE OF USES

	Residential Uses	R	LR	RC	RR	RU	RS	Notes
10.	Garage, <i>workshop or shed larger than 240 s.f.</i> , as principal building on lot	E	N E	E	E	E	N	See Section 360 (added 11 March 2014)
11.	Shed, <i>less than 240 s.f.</i> , as principal building on lot	Y	Y	Y	Y	Y	Y	See Section 360 (added 11 March 2014)

DISCUSSION:

Nic Strong stated that the proposed language in #2 would help direct people to the Table of Uses. John Dever, III, stated that people were only looking at the ordinance, which stated that garages, workshops, and sheds were allowed by Special Exception. When it was written initially, it did not refer people directly to the Table of Uses to see which ones were allowed, so people got the impression that they were allowed by Special Exception in all zones.

Paul Monzione pointed out that this amendment also proposed to permit garages, workshops, and sheds larger than 240 s.f. in the Lakeshore Residential Zone under a Special Exception. John Dever, III, stated that most of the requests to the ZBA were for garages in the Lakeshore Residential Zone. Tom Hoopes mentioned that most of the applications were requesting these structures to be built on back lots.

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Paul Monziona thought that just because the ZBA had been seeing applications in the Lakeshore Residential Zone, did not mean that the Lakeshore Residential Zone had a compelling need for this to be permitted as opposed to a Variance. Virgil MacDonald thought that these lots should be looked at because some of those lots should not have a structure on them. Paul Monziona stated that what he was talking about was there could be someone with a very valuable piece of property with a residence on it, and then someone could come in and put up a monstrous garage that stored boats, tractors, etc., right next to their house; that person could say that it was their right by Special Exception, where if it was a Variance there would be more stricter regulations they would have to abide by. He was not sure if just because the ZBA had been seeing applications in the Lakeshore Residential Zone, that it was justification to lower it from a Variance to a Special Exception. Tim Morgan thought that part of it was the fact of how the lots were broken up before and now they were too small to accommodate a garage along with a house.

Paul Monziona thought “*c. this use is not permitted in the Recreation Service (RS) Zone*” should be #3 because a. and b. had to do with the criteria that the ZBA looked at. Nic Strong stated that she put it under #2 because the sheds were allowed, and she did not want people to be confused thinking that sheds were not allowed, but had no problem putting it under #3. She stated that initially the thought was that if the ordinance was going to stay the same, that non-habitable structures were not permitted in the Lakeshore Residential Zone, then clarifying that the structures were not permitted in the Recreation Service Zone would be best because they were getting confused when they saw the language for a Special Exception. She thought that if saying in #2 “see uses in the Table of Uses” rendered the specific call out of the Recreation Service Zone moot, and it could be struck out if the Committee wanted it to be. Paul Monziona thought it was a good idea to keep the language to be specific.

John Dever, III, handed out Special Exception worksheets so the Committee could look at what criteria the ZBA looked at when deliberating on their decision for an application. Paul Monziona stated that by looking at the criteria, the Committee could get an idea as to how they would permit a Special Exception.

Paul Monziona addressed the Table of Uses, and noted that it was proposed to separate garage and shed due to their s.f. Nic Strong pointed out that #'s 10 and 11 would match what Section 360 stated, which would make it clearer for people to understand.

Scott Williams moved to accept the draft language for proposed amendment #1, with the exception of changing 2.c. to #3.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #2:

SECTION 335 APPEARANCE REVIEW

B. Review Process

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As part of its site review and subdivision process, the Planning Board shall review each proposal for conformance with the intent of this ordinance and the Master Plan. The Board shall take into account the location within the community, surrounding properties and proposed use of any proposed development in making its decision.

As part of its review of applications, the Zoning Board of Adjustment shall/may review each proposal for conformance with the intent of this ordinance as outlined in Section A, Purpose, above.

DISCUSSION:

Scott Williams mentioned that when Dollar General put in their site plan, one of the Selectmen was not happy with him because during their Appearance Review, he had asked them to do specific things with the façade of the building, instead of letting them just build a square box. John Dever, III, stated that was the whole point of the Appearance Review process.

Tim Morgan did not like using “shall” in an ordinance and thought that using “may” would give the ZBA some latitude instead of forcing it upon the Board. Paul Monzione wanted to know if this ordinance was adopted, what did that give the ZBA the right to do. Tim Morgan thought it meant that when an application came in, it gave the ZBA the right to state that a structure should look like the rest of the structures in the area. John Dever, III, stated it should fit within the character of the neighborhood. Paul Monzione thought, after hearing Tim Morgan and John Dever, III, speak, that it would give the ZBA additional authority to require other criteria of the applicant. Scott Williams stated that this was like a safety valve because not all applications go to the Planning Board.

John Dever, III, read “A. Purpose” to the Committee:

“The Town finds it desirable to protect, enhance, and perpetuate areas of historical, cultural, architectural, art or geographic significance located within the Town of Alton; to protect and enhance the Town’s economic base by attracting tourists, visitors and residents; to stabilize and improve property values; to foster civic pride by protecting the Town’s unique cultural heritage by prohibiting the unnecessary destruction and defacement of its cultural assets; to preserve historic architectural design and integrity; to protect significant viewsheds and vistas, and to ensure the harmonious, orderly and efficient growth and development of the Town.”

Paul Monzione stated that the Planning Board and the ZBA could not just state they did not like the color green with round windows, in actuality, the Boards were being guided by what was written in A. He pointed out if this proposed amendment passed, that would give the ZBA the authority, in addition to all the other criteria, to look at the application to see if it complied with the criteria in A. Paul Monzione asked if this was in addition to the criteria they currently went by. John Dever, III, stated, no, because this was stated in the ordinance. Tim Morgan mentioned that this would help the

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ZBA when applicants appeared before the Board and they did not have their schematics to show to them; they would have this ordinance to back up their request.

Scott Williams moved to accept the draft language for proposed amendment #2 to include the word may and not shall.

Tom Hoopes seconded the motion.

DISCUSSION:

Nic Strong mentioned that on the ballot, the proposed amendments should be as condensed as possible, but she wanted to know if the Committee would like her to include A. in the back up document. The Committee agreed, but thought that instead of having the full language in A. on the ballot, that she should summarize it, if possible.

The Chairman asked the Committee for a vote on the motion; it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #3:

SECTION 321

OBNOXIOUS USES

Any use that may be obnoxious or injurious by reason of production or emission of odor, dust, smoke, glare, refuse matter, fumes, pests, noise, vibration or similar conditions, and/or that is dangerous or injurious to the public health and safety or the reasonable expectation of comfort, peace and quiet enjoyment of the community or neighborhood, is prohibited.

DISCUSSION:

John Dever, III, stated that this was a new Section. Virgil MacDonald questioned why this ordinance was being proposed. John Dever, III, stated it was being proposed because of roosters crowing in the wee early hours of the morning and people hoarding trash; those were only a couple of reasons.

Scott Williams commented on a possible issue with this ordinance. He stated that when he worked for the Fire Department, they would get calls often about people's campfires and how the smoke was wafting into someone's window; therefore, it would bother people with breathing issues.

John Dever, III, mentioned this was also suggested because of pests, and to keep the neighborhood safe and healthy. He stated that there was nothing written to prohibit people letting their farm animals loose. Tom Hoopes stated that there were fines from the Town Pound if your animals were found roaming free. Virgil MacDonald stated that was just for dogs, and Tom Hoopes clarified that it was for all animals. Virgil MacDonald stated that you could not free-range your animals; John Dever, III, stated that you could. Virgil MacDonald stated that it was against State Law; John Dever, III, stated that the State did not currently have any laws against free-ranging chickens. John Dever, III, stated that the Town ordinance only addressed

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dogs. He stated that the animals should stay on their own lot. Virgil MacDonald thought that if a resident had an issue with a neighbor's animal on their property that they would call Animal Control to come pick it up. John Dever, III, stated that the Town did not have any legal authority for him to go to someone and tell them that they could not free-range their chickens on their neighbor's lawn, and he stressed that it was a consistent problem. Paul Monzione thought that there might be some DOT laws about free-ranging animals alongside the roadway.

John Dever, III, stated that there was a resident who was recycling gasoline in a Residential neighborhood, and DES had no authority over it, and neither did he. He stated that it was a noxious fume and there were neighbors complaining about the smell and he could not do anything about it because there was nothing written prohibiting it. Virgil MacDonald mentioned that the Town already had a Noise Ordinance, and John Dever, III, agreed, but stated that it did not address roosters.

Paul Monzione stated that there should be a term for obnoxious because it needed to be enforceable if the Board was taken into court. He stated for example, if something was offensive or injurious, a person would not be allowed to do that certain thing, but what was offensive? John Dever, III, stated it could be what was reasonable versus what was unreasonable. Paul Monzione stated that an ordinance had to be written in a way that put the person on notice as to what the violation was, and it was unconstitutional to convict people when the statute or ordinance did not tell them what they were doing was wrong. Paul Monzione suggested taking the word "obnoxious" out of the first sentence to eliminate the vagueness of what obnoxious meant. John Dever, III, stated that injurious meant that there was a circumstance that created injury, which was not the same as being obnoxious; Paul Monzione agreed.

Nic Strong mentioned that the ordinances were filled with words like adequate and appropriate and that the Committee should leave it the way it was, then they could go with a standard definition. She suggested passing this by Jim Sessler, Esq., Town Counsel, to define it first, because she felt that he might not want the Committee to define it. Scott Williams stated that he wanted the Committee to look at the smoke issue.

**Tim Morgan moved to table proposed amendment #3 in order for the Committee to consider some definitions for words used throughout the ordinance.
Scott Williams seconded the motion, and it PASSED unanimously.**

PLANNING BOARD PROPOSED AMENDMENT #4:

SECTION 352 TEMPORARY USE OF A MANUFACTURED HOME

A manufactured home may be brought to the property and occupied for up to one (1) year in the following circumstances:

- a. as a residence during the construction of a permanent residence on the same lot; or,***
- b. as office space, storeroom or shop in connection with the construction of the permanent residence.***

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In either circumstance the following shall be required:

- a. There shall be an approved domestic water and an approved sewage disposal system in accordance with State and local requirements;*
- b. A building permit shall be approved for the new residence to be built on the lot; and,*
- c. The property owner shall submit an acknowledgement that he/she will discontinue occupancy of the manufactured home upon the issuance of the certificate of occupancy for the permanent residence and shall remove the manufactured home within two (2) months of the issuance of the certificate of occupancy.*

The Code Official shall be authorized to grant a time extension for good cause shown.

DISCUSSION:

Tim Morgan asked if manufactured home was defined in the Zoning Ordinance; John Dever, III, stated, yes. Scott Williams confirmed with John Dever, III, that modular homes was also defined. Virgil MacDonald asked if there was going to be something written that people would have to have an approved sewerage system, John Dever, III, stated, yes. Virgil Macdonald then asked if that also included having the manufactured home as an office or storage, John Dever, III, stated, that if it was used as an office or a shop, then there should be some approved septic system, like a port-o-potty. Tom Hoopes thought there was an ordinance already in place that allowed RV's; John Dever, III, stated there was not, but there was an ordinance that gave people the ability to temporarily have an RV on a lot with a house, with access to septic and water.

Scott Williams moved to accept the draft language as written for proposed amendment #4. Virgil MacDonald seconded the motion.

DISCUSSION:

Tom Hoopes asked if people needed to obtain a permit; John Dever, III, stated that part of obtaining a building permit, people would have to sign a document acknowledging that they would discontinue occupancy once construction was completed.

The Chairman asked the Committee for a vote on the motion; it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #5:

Contractor's Equipment Storage Yard - Area A lot or portion of a lot used for the storage and maintenance of equipment and material used in contractor's business. *Retail and wholesale sales of construction and landscape materials, such as, but not limited to, sand, gravel, crushed stone, nitpack, mulch, soil, and wood chips, may be permitted by Special Exception. Processing of material (crushing, grinding, washing, etc.) is prohibited.*

TABLE OF USES

	Retail Business and Service	R	LR	RC	R R	RU	RS	Notes
16.	Contractor's Equipment Storage Yard	N	N	E	E	E	N	* See Special Exception requirements in each district Accessory to Residence; Vegetative Screen from Abutters, 50' setback from abutters. (Amended 14 March 2017)

-Section 444 Special Exceptions-

C. Contractor's Yard.

In addition to all other Special Exception requirements, the application shall contain the following additional information:

1. *Size, location and type of materials in stockpiles and other outdoor storage.*
2. *Type and size, and number of vehicles entering and existing the site and stored onsite and the location of parking spaces for same.*
3. *Types of maintenance operations to be performed and provisions for waste disposal.*
4. *Screening of outdoor storage areas and parking areas from adjacent properties and public streets.*
5. *Plans for dust and erosion control.*

-Section 451 Permitted Uses-

G. Contractor's Yard - *In addition to all other Special Exception requirements, the application shall contain the following additional information:*

1. *Size, location and type of materials in stockpiles and other outdoor storage.*
2. *Type and size, and number of vehicles entering and existing the site and stored onsite and the location of parking spaces for same.*
3. *Types of maintenance operations to be performed and provisions for waste disposal.*
4. *Screening of outdoor storage areas and parking areas from adjacent properties and public streets.*
5. *Plans for dust and erosion control.*

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-Section 462 Permitted Uses-

Special Exceptions - Additional Conditions:

In approving an exception, the Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:

- A. Lot area.***
- B. Front, side or rear setback.***
- C. Height limitations.***
- D. Screening, buffers or planting strips, fences or walls.***
- E. Modification of the exterior appearance of the structure.***
- F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.***
- G. Contractor's Yard - In addition to all other Special Exception requirements, the application shall contain the following additional information:***
 - 1. Size, location and type of materials in stockpiles and other outdoor storage.***
 - 2. Type and size, and number of vehicles entering and existing the site and stored onsite and the location of parking spaces for same.***
 - 3. Types of maintenance operations to be performed and provisions for waste disposal.***
 - 4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.***
 - 5. Plans for dust and erosion control.***

DISCUSSION:

John Dever, III, stated that if someone was running a commercial business selling construction materials, this proposed amendment would apply to them. He thought that the ordinance should read “***A lot or portion of a lot*** used for the storage ***and/or maintenance*** of equipment.....”.

Nic Strong stated that the current definition for “Contractor Equipment Storage” did not allow anything other than storage of equipment and materials used in a contractor’s business. She mentioned that Jim Sessler, Esq., Town Counsel, stated last year that they should not define “Contractor”.

Nic Strong added the changes to each prospective section throughout the zoning ordinance, Sections 444, 451, and 462. Paul Monziona shared that the only way that this amendment could be added was to use the information provided according to the amendment, to determine whether people met the Special Exception criteria, and it was not additional Special Exception criteria. The only exception to this was if people failed to provide the required information, it would be grounds for denial because they did not comply with the ordinance.

Tom Hoopes moved to accept the draft language as written for proposed amendment #5, with the exception of adding “/or” to the first sentence so it would read “....and/or maintenance....”. Virgil MacDonald seconded the motion, and it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #6:

SECTION 412 RESTRICTIONS GOVERNING USE

- B. Each lot shall have minimum frontage requirements of:
1. Lakefront lots:
 - a. Lots created prior to March 14, 1995 - Mainland one hundred (100) feet at the shoreline with road access; the portion of the lot that serves as access to the road must be contiguous with the road. Island one hundred (100) feet at the shoreline.
 - b. Lots created after March 14, 1995 - one hundred fifty (150) feet at the shoreline.
 - c. Mainland lots shall have a minimum lot frontage of thirty (30) feet at the street right-of-way. Access to each lot shall be via the required thirty (30) feet street frontage. Island lots shall have one hundred fifty (150) feet at the shoreline.
 2. All other lots ~~one hundred fifty (150)~~ *seventy five (75')* feet at the street or highway line.

DISCUSSION:

John Dever, III, gave the example of a couple that had a 6 acre lot on Route 11D, which was not a lakefront lot, and they wanted to subdivide it into two (2) lots. In the middle of their road frontage on their 6 acre lot was a mobile home that had been there for a long time. There was frontage on either side of the mobile home, but neither of them were 150'; they were about 128' and 135'. John Dever, III, stated if they wanted to subdivide, they would have to apply for a Variance. When comparing that road frontage requirement with other zones, it did not match up. John Dever, III, stated that in the Rural Zone there was a 200' frontage requirement, with a 2-acre minimum, and in the Residential Zone there was a half an acre lot minimum, with a 75' frontage requirement.

Scott Williams moved to accept the draft language for proposed amendment #6. Virgil MacDonald seconded the motion, and it PASSED with Virgil MacDonald voting nay.

PLANNING BOARD PROPOSED AMENDMENT #7:

ARTICLE 400 ZONING DISTRICTS REGULATIONS

SECTION 401 PERMITTED USES - TABLE OF USES

(Section added 12 March 1996, as amended 14 March 2000, 12 March 2002, 11 March 2003, 9 March 2004, and 14 March 2006, March 9, 2010)

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Land may be used and buildings may be erected, altered or used for only those uses listed in the following *Table of Uses*. ***There shall be one principal building and one principal use on the land and*** This table does not prohibit those uses which are considered accessory and *subordinate uses* customarily associated with the primary use *of the land and building*.

OR:

ARTICLE 400 ZONING DISTRICTS REGULATIONS

SECTION 401 PERMITTED USES - TABLE OF USES

(Section added 12 March 1996, as amended 14 March 2000, 12 March 2002, 11 March 2003, 9 March 2004, and 14 March 2006, March 9, 2010)

Land may be used and buildings may be erected, altered or used for only those uses listed in the following *Table of Uses*. This table does not prohibit those uses which are considered accessory and customarily associated with the primary use *of the land and building*. ***In keeping with historical practice in Alton, multiple uses may be allowed on the same lot subject to Special Exception and/or Site Plan Review approval as required by the Town. Multiple uses shall demonstrate compatibility with other uses already existing on the property and with adjacent uses and neighborhood character as determined by the Board reviewing the proposal.***

DISCUSSION:

Nic Strong stated that there were two (2) choices for the Board to pick from because at the last meeting, the Committee wanted to see two (2) different ways to amend this ordinance. One was to say people could have a principal use on a lot and everything else would be accessory, and the second option was if people could have multiple uses. At the last meeting, Nic Strong mentioned that she would come up with definitions for the different districts, but after doing some research, it was found not to be feasible because the Master Plan was old and did not match up with the Zoning Ordinance. She stated that there was not enough information in the Master Plan to see what the townspeople were looking for, and what was in there currently did not reflect what the Zoning Ordinance permitted.

Nic Strong stated that this amendment stemmed from a phone call she received from a person who wanted to have a residence, an apartment, and a dock company that built docks on the same lot. She noted that the current language could be interpreted in two ways, one was you could have the uses in the Table of Uses without prohibiting accessory uses. She noted that historically in Alton, the interpretation had been whatever the uses in the Table of Uses were for that lot in that district, as long as the individual got their approvals, they could do it.

Nic Strong stated that she emailed Jim Sessler, Esq., Town Counsel, a scenario that if in the Rural district someone wanted to have a riding stable, a house, a restaurant, a farm, or a welding business, what happened if a Board wanted to say no to one of those uses. Tim Morgan thought the second option was well drafted. Paul Monziona suggested getting rid of "In keeping with historical practice in Alton,".

Tom Hoopes moved to accept the second option of the draft language for proposed amendment #7, with the exception of the phrase, "In keeping with historical practice in Alton,". Scott Williams seconded the motion, and it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #8:

Agriculture for Personal, Non-Commercial Use - The keeping of poultry and bees for personal, non-commercial use, per Section 318 of this Ordinance.

SECTION 318 AGRICULTURE FOR PERSONAL, NON-COMMERCIAL USE

The Town of Alton permits agriculture, as defined by NH RSA 21:34-a (with the exception of septage) in the Residential Rural and Rural zoning districts. In all other districts, agriculture as so defined is prohibited (except as per RSA 674:32-c, the tilling of soil and growing and harvesting of crops and horticultural commodities). This is due to the wide range of possible agricultural uses and the desire of the Town of Alton to encourage full-blown agricultural uses to take place on land of sufficient size and in appropriate locations to accommodate such usage and to limit agricultural uses in the Town's residential districts, recognizing the proximity of neighbors, smaller lot sizes and potential for conflicts to arise.

In order to allow the small scale raising of chickens for personal, non-commercial use and the keeping of bees for personal, non-commercial use, the following regulations shall apply:

Chickens

1. *The keeping of chickens as pets and for egg production in the Residential, Lakeshore Residential, and Residential Commercial zoning districts shall be for personal, non-commercial use.*
2. *No roosters or crowing chickens shall be allowed.*
3. *The keeping of chickens for meat production and on-site slaughtering of chickens is prohibited.*
4. *Chickens shall be kept within a coop and chicken run at all times. Building permits may be required depending on the size of the building - consult the Town of Alton Building Department.*
 - a. *Coops shall provide a minimum of three (3) square feet of coop space per animal.*
 - b. *Coops shall be bedded with clean, dry bedding, e.g. hay, straw, shavings, sawdust.*
 - c. *Coops shall be draft free but provide sufficient ventilation.*
 - d. *Coops and runs shall provide adequate light, shade, and protection from adverse weather.*
 - e. *Chicken runs shall provide a minimum of ten (10) square feet per animal.*
 - f. *Coops and runs shall comply with all building setbacks in the underlying zoning district and are not permitted within the front yard.*
 - g. *Coops and runs shall provide adequate protection from wild or domestic animals.*

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- h. Coops and runs shall be kept clean, dry and odor free and in a sanitary condition at all times to prevent accumulation of mud or manure. Fencing shall be maintained to prevent the chickens from escaping.*
5. *The number of chickens kept under this regulation shall be limited to no more than six (6) animals.*
6. *If the applicant is not the owner of the property, the applicant must provide written permission from the owner for the intended use.*
7. *Feed shall be stored indoors in secured containers to prevent the intrusion of rodents and other non-household animals.*
8. *Manure shall not be stockpiled so as to create a nuisance or health hazard. All manure not used for composting or fertilizing shall be removed from the property.*
9. *Chicken coops and runs shall be maintained in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.*

Bees

1. *The keeping of bees in the Residential, Lakeshore Residential, and Residential Commercial zoning districts shall be for personal, non-commercial use.*
2. *The keeping of bees for commercial honey production or bee keeping for profit is prohibited.*
3. *Beehives shall comply with all building setbacks in the underlying zoning district and are not permitted within the front yard.*
4. *If the applicant is not the owner of the property, the applicant must provide written permission from the owner for the intended use. If a beehive belongs to a beekeeper that is not the owner of the property on which it is located, the name, mailing address, and phone number of the beekeeper maintaining the beehive shall be clearly displayed on each beehive using letters not less than one (1) inch in height.*
5. *Beehives shall be maintained in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.*
6. *Flyway Barriers. When a beehive is located within thirty (30) feet of a property line, as measured from the nearest point of a beehive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary:*
 - a. Height: shall be no less than six (6) feet in height;*
 - b. Material: shall consist of a solid wall, fence, dense vegetation or combination thereof;*

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- c. *Location: shall be parallel to the property line, within fifteen (15) feet of the colony and extending at least ten (10) feet beyond the colony in each direction.*
- 7. *All beehives shall be of the movable frame type, as accepted by the State of NH, Department of Agriculture, Markets and Food, Division of Plant Industry.*
- 8. *Each beekeeper shall ensure that a convenient and consistent source of fresh water is available to the bees at all times during the year. Water shall be located within twenty (20) feet of all beehives or no more than half the distance to the nearest property line, whichever is less.*

Permits OR Enforcement

A permit under this section shall be obtained from the Code Official for the Town of Alton **?????**

OR

The Code Official of the Town of Alton shall have the authority to inspect any property to confirm compliance with the regulations of this section regarding the construction and placement of chicken coops and runs and beehives and shall have the authority to enforce the regulations of this section as they apply to such matters.

TABLE OF USES

	Open Space Uses	R	LR	RC	RR	RU	RS	Notes
1.	Agriculture	N	N	N	Y	Y	N	
<i>1a.</i>	<i>Agriculture for Personal Use</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>* See Section 318</i>

DISCUSSION:

John Dever, III, stated that chickens and bees were an agricultural use and they were not allowed in the Lakeshore Residential Zone, but there were lots in that district that had several acres where bees and chickens could be allowed. He stated that roosters, clucking hens, and people not cleaning up after their chickens were the biggest problem. Paul Monziona thought there was a lot of language throughout the ordinance that needed to be looked at. Paul Monziona thought that it appeared to be written to micro-manage people. John Dever, III, stated for example, if there was a complaint from a neighbor who all of a sudden had a rodent problem, and he went out to inspect the neighbor’s property who had chickens and found that their feed was not inside in a covered container, he could not enforce anything because nothing was in writing.

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Paul Monziona thought that there should be a definition for “Agriculture for Personal, Non-Commercial Use”. Nic Strong stated that she did propose a definition, “The keeping of poultry and bees for personal, non-commercial use, per Section 318 of this Ordinance.” Paul Monziona was okay with that definition.

**Tom Hoopes moved to table proposed ordinance #8 in order to work on the language.
Scott Williams seconded the motion, and it PASSED unanimously.**

Amendments #XX - #XX are minor “housekeeping” amendments submitted for the voters’ consideration.

PLANNING BOARD PROPOSED AMENDMENT #XX:

Duplex or Two-Family Dwelling – A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof *a wall or floor assembly meeting the fire resistance rating requirements in accordance with the applicable Building Code*. There shall be separate entrances for each unit.

Frontage, Shoreland - ~~The average of the distances measured in feet along the natural mean high water level reference line and along a straight line drawn between the points at which the reference line intersects the side lines of the property or properties.~~ *As defined in NH RSA 483-B:4, as amended.*

Protected Shoreland - ~~For natural fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.~~ *As defined in NH RSA 483-B:4, as amended.*

Reference Line -

- a. ~~For natural fresh water bodies without artificial impoundments, the natural mean high water level. It shall be the responsibility of the owner/applicant to determine this water level. Where this water level is not easily discernible or in question, the natural mean high water level may be determined by the Department of Environmental Services.~~
- b. ~~For artificially impounded fresh water bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.~~
- c. ~~For rivers, the ordinary high water mark. It shall be the responsibility of the owner/applicant to determine this water level. Where this water level is not easily discernible or in question, the ordinary high water mark will be determined by the Department of Environmental Services.~~

As defined in NH RSA 483-B:4, as amended.

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DISCUSSION:

Paul Monzione noted that the proposed amendment for “Duplex or Two-Family Dwelling” better clarified which wall should separate the units. John Dever, III, stated that a duplex could be up/down or side by side.

Nic Strong noted that the Town used to have their own definitions for “Frontage, Shoreland, “Protected Shoreland”, and “Reference Line”, but now it was proposed to just reference the RSA’s.

Scott Williams moved to accept the draft language for the proposed “housekeeping” amendment XX.

Tom Hoopes seconded the motion, and it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT FOR “STANDARD FOR IMPERVIOUS SURFACE COVERAGE IN THE LAKESHORE RESIDENTIAL (LR) ZONE”

Tom Hoopes wanted to know if this amendment was for the purpose of working towards preventing over development or was it for shoreland protection; John Dever, III, stated, it was proposed in order to protect the Town’s waterbodies and to prevent over development.

Scott Williams suggested addressing groundwater recharge as part of this ordinance. John Dever, III, stated that the purpose of this ordinance would limit building out towards all setbacks on a lot, and there was nothing written to state otherwise; therefore, there were no protections in place in any zone. Nic Strong stated that in a site plan review, landscaping requirements were addressed, which was a certain percentage of a lot had to be kept as landscaping. Scott Williams thought that maybe this proposed ordinance should entail all of the zones, and not just the Lakeshore Residential.

Paul Monzione suggested moving the memo dated August 11, 2015, from Ken McWilliams re: Standard for Impervious Surface Coverage in the Lakeshore Residential (LR) Zone to the following meeting. The Committee agreed.

Approval of Minutes: July 26, 2017, and September 13, 2017

Tom Hoopes moved to approve the July 26, 2017, meeting minutes as presented.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

Virgil MacDonald moved to approve the September 13, 2017, meeting minutes as presented.

Tom Hoopes seconded the motion, and it PASSED with Paul Monzione abstaining.

Correspondence for the Committee’s action/review/discussion:

None.

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Correspondence for the Committee's information:

None.

Any other business to come before the Committee:

None.

Dates for Future Meetings:

Tuesday, October 10, 2017, at 6:00 p.m.

DISCUSSION

No further discussion.

PUBLIC INPUT

Paul Monzione opened public input. No public input. Paul Monzione closed public input.

ADJOURNMENT

**At 8:15 p.m., Scott Williams moved to adjourn.
Tom Hoopes seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as written: October 10, 2017