

Members Present: Acting Chairman, Marcella Perry; Keith Chamberlain; Lyndon Avery, Alternate-Timothy Kinnon, Angela Bystrack, Timothy Morgan

Others Present: Planner, Kathy Menici; Secretary, Jennifer McCullough and others as identified below.

Call to order: Acting Chairman M. Perry called the meeting to order at 7:08 p.m. She introduced the members of the Board and Planner.

K. Menici asked board to approve Agenda. The order of cases is different than the public notice. Basically we have reordered. Four cases that were submitted by Industrial Communications and Electronics have been moved to the front of the Agenda. Cases Z05-31 and 32 were continued from September meeting, cases Z05-33 and 34 were on Agenda last month, but was abutter notification error. K. Chamberlain would like to point out By-Laws and make suggestion we elect officers at beginning of meeting as stated in By-Laws.

K. Chamberlain makes motion to amend Agenda to election of offices move to beginning of meeting. No second.

Motion made by to accept Agenda as is with new order, cases Z05-31 and 32, Z05-33 and Z05-34 be moved to front.

M. Perry read into the record the purpose of the hearings and stated the rules of procedure.

NEW APPLICATIONS:

Case#Z05-33

Map14 Lot 21

Use Variance

New England Nominee Trust

486 East Side Dr. (Route 28A)

David J. Fenton Jr. Trustee

Application submitted by Industrial Communications & Electronics d.b.a Unicel on behalf of the property owner, New England Nominee Trust, David J. Fenton Jr. Trustee, for a Use Variance from Article 300, Section 301 and Article 200, Section 270, to construct a telecommunication tower outside the specified Telecommunication Overlay District. The property is located 486 East Side Dr in the Lakeshore Residential Zone.

M. Perry asked if case was presented at last meeting on October 5. K. Menici stated case was on Agenda but in processing application staff noted that there were abutters that did not receive notice, therefore was withdrawn and resubmitted.

Board Discussion:

K. Menici made note that I had prepared memo for the board regarding this case Z05-34, Z05-31 and Z05-32, with regard to state statute requirements regarding regional impact and in addition to the memo, I went on to general court website. Specifically the issue the Board needs to address need to deliberate to issues regarding regional impact or potential for regional impact.

M. Perry asks for Input on case Z05-33. T. Morgan stated a number of waivers requested with application. K. Menici stated that the application packet for the ZBA contains applications for variances and special exceptions, checklist automatically included. Checklist only applies to special exception not variance. Waivers are not issue for the board.

C. Westen makes motion to accept Case Z05-33, seconded by T. Morgan with all in favor, it is unanimous.

K. Menici stated needs to be discussion on regional impact.

M. Perry stated that with regard wireless communication towers Section 12 K:7, section 36:54, Section 36:55, Section 36:56,. Section: 36:57, Section 36:58 these deal with the use sheds and impact of abutting communities. If we feel that this is an issue we need to continue this case so that Lakes Region Planning can come in to present the concerns of the abutters.

K. Chamberlain stated that we have not had a chance to read this document; #2 without knowing the merits of case how do we know if there is regional impact. T. Morgan stated that RSA: 36:56 states that if there is any question regarding regional impact we need to continue.

K. Chamberlain made motion to continue Case Z05-33 area Variance, New England Nominee Trust in order for the Zoning Board to collect information from the Lakes Region Planning Commission regarding the Regional Impact of the applicants appeal. Seconded by L. Avery. All in favor, unanimous

Case#Z05-34

Map14 Lot 21

Area Variance

New England Nominee Trust

486 East Side Dr. (Route 28A)

David J. Fenton Jr. Trustee

Application submitted by Industrial Communications & Electronics d.b.a Unicel on behalf of the property owner New England Nominee Trust, David J. Fenton Jr. Trustee for an Area Variance from Article 200, Section 228 to construct a telecommunication tower 120' in height. The property is located 486 East Side Dr in the Lakeshore Residential Zone.

M. Perry stated that in order to move forward we need to accept this case. For the same reasons as the previous case, based on the State Statues that were given to use.

T. Morgan makes motion to accept case Z05-34, seconded by L. Avery. All in favor unanimous.

K. Chamberlain made motion to continue Case Z05-34 in order for Lakes Regional Planning Commission to review Regional Impact, continue the motion, and feel that there is Regional Impact. Seconded by L. Avery with all in favor.

CONTINUED APPLICATIONS:

Case#Z05-31	Map19 Lot 8-2	Use Variance
Robert's Knoll Campground, LLC		1439 Wolfeboro Highway

Application submitted by Industrial Communications & Electronics d.b.a UniceL on behalf of the property owner, Robert's Knoll Campground, LLC, for a Use Variance from Article 300, Section 301 and Article 200, Section 270, to construct a telecommunication tower outside the specified Telecommunications Overlay District. The property is located 1439 Wolfeboro Highway and in the Rural Zone.

L. Avery made motion to accept case Z05-31, seconded by K. Chamberlain with all in favor, unanimous.

K. Chamberlain made motion to have vote to decide if there is potential for regional impact, seconded by Lyndon Avery with all in favor.

K. Chamberlain made motion to continue Case Z05-31 in order for Lakes Regional Planning Commission to review Regional Impact regarding ZBAs decision. Seconded by A. Bystrack with all in favor.

Case#Z05-32	Map19 Lot 8-2	Area Variance
Robert's Knoll Campground, LLC		1439 Wolfeboro Highway

Application submitted by Industrial Communications & Electronics d.b.a UniceL on behalf of the property owner Robert's Knoll Campground, LLC, for an Area Variance from Article 200, Section 228 to construct a telecommunication tower 120' in height. The property is located at 1439 Wolfeboro Highway and in the Rural Zone.

L. Avery made motion to accept case Z05-32. Seconded by A. Bystrack with all in favor.

M. Perry stated again as with previous cases there is potential for regional impact.

K. Chamberlain made motion to continue Case Z05-32, based on the fact that there is potential for regional impact. in order for Lakes Regional Planning Commission to review Regional Impact regarding ZBAs decision. Seconded by A. Bystrack with all in favor.

New Applications

Case#Z05-39

Map 9 Lot 27-1

Use Variance

Addison S. Cate Trust

344 New Durham Road

Application submitted by New Hampshire Electric Cooperative on behalf of Addison S. Cate Trust for a Use Variance from Article 300, Section 362, to construct and operate a Truck and Equipment Storage Facility. The property is located at 344 New Durham Road in the Residential Rural Zone.

M. Perry requested Planners comments.

K. Menici stated there was sketch that was provided by the applicant. They also submitted single copy of original subdivision plan. It depicts the lot a little bit more clearly. Applicant is planning on building new facility to replace facility on Main Street. Will be used to store trucks during non-working hours. As well as storing any other equipment and supplies that they need for repairs. There are other businesses that are allowed. This particular use is not addressed in Zoning Ordinance.

M. Perry asked if there was something close to it like contractor? K. Menici stated not a contractor. Facility on Main Street would fall into energy category because of transformers, but not the case here.

Applicant's stated case. Jim Merrill Attorney for New Hampshire Electric Coop, Jeff Foster, Engineer, and Karl Woods, district supply manager. What we would like to do is have Mr. Foster discuss plan.

J. Foster explained basically New Hampshire Electric Coop has come to a point between growth and technology existing site does not accommodate coop. What we have done is decided in order to keep up with demand would like to construct new facility. Coop has been looking for three years or so. What we found is this 13-acre lot on New Durham Road. Convenient because of access. Basically would construct 70 foot by 100-foot steel building 800 feet back from road. Reason for this is that it is narrow parcel coming in. Once you get further back on lot very steep terrain, unsuitable for development. Their intent is to construct the driveway so that it works best with topography and vegetation there now. Flat winding road. Will allow for building to be hidden. Facility is going to be used for storage of line trucks and electrical supplies, 30 foot by 100-foot pole yard. Will be served by on-site waste disposal and well. Lighting strictly to building. 10 to 15 employees accessing site daily. Some will remain in office doing administrative functions, some going out in line trucks. 7:00 am to 3:30 pm, M-F. As well as some 24-hour emergency service. With facility back so far will be very well screened from Route 11, New Durham Road as well as Abutting parcels. Would like to limit this development to 3 acres or less and put other acres into current use.

M. Perry asked for clarity of plan. Confirmed that it was shown as Lot 2 on plan.

T. Morgan asked for clarity of which abutter would need screening. Confirmed that it would be

Jordans would be only one that would be able to see facility. Merrill just stated that we don't have screening plan at this time, but will accommodate Abutter. M. Perry stated this is function of Planning Board, not ZBA.

K. Chamberlain asked why they were leaving present location?

J. Merrill confirmed the facility is not meeting needs right now. K. Woods stated that we are really stretching limits right now. Have outgrown facility.

K. Chamberlain asked how many truck runs, and how many trucks. K. Woods stated for most part trucks leave in morning and come back and park them for the night. Three line trucks and 2 pick up trucks. Area supervisor would come and go with pickup two or three times a day. K. Chamberlain said maybe 20-30 a day, Foster stated that would be on the high side.

K. Chamberlain asked if this would be repair center. K. Woods stated just minimally, but not a repair center, have compressor to fill tires, etc. K. Chamberlain just questioning if tools would be of the nature to make noise, odors or anything that would interfere with personal enjoyment of abutters.

K. Chamberlain questioned use of alarm system. K. Woods stated would be internal alarm that would not disturb neighborhood. K. Chamberlain also asked how close they were to Abutter. Foster stated 75 feet.

L. Avery asked if they would put Chain Link Fence around compound.

K. Woods stated usually around any place we keep stock. Don't know what plans are now. As far as gating off property. Stated would try to find some way to discourage people from going in there.

M. Perry asked if they have driveway permit? K. Woods stated that Dave Horton has worked with DOT. K. Woods stated there is a driveway there now. Think it is access for logging. K. Chamberlain stated the access was gravel.

K. Chamberlain asked about visibility to Route 11, are you going to clear trees so people can see. Are you going to keep that as secluded as possible. Foster stated intention to keep it as secluded as possible.

A Bystrack asked how many parking spaces. Foster stated 15 spaces. A. Bystrack if there were any Wetlands. Foster stated possibly in one area. Part of what they are going to do is have survey done and Wetland delineation done to assess that.

Westen asked what made them choose this piece of land. K. Woods stated just lack of property. Found some, but Wet, or other problems. This has been a three-year process.

K. Chamberlain asked about expansion in the future. K. Woods stated he didn't think so. We are getting fairly well saturated in area. We only have so much territory. We are only concentrated in this area. We can only go so far. We just have to be able to maintain what we have. Department might grow in next couple of years, maybe a few more line men, but that would be extent of it.

M. Perry opened up for public input anyone speaking in favor of the Application.

Russ Emerson, Abutter spoke to the fact it would be a good use for land and positive use. Elizabeth Emerson stated same.

M. Perry asked if anyone opposed would like to speak.

P. Monzioni of 230 New Durham Road and been there since 1987, I will speak in opposition to Variance. This is an unreasonable variance. I am also a member of New Hampshire Coop. As general concept this is RR, and full-blown commercial to be here. I received survey and wonder what people in general would want RR to be. Think that they would want this Zone in particular to be protected. Once RR are gone, variance, after variance. Since I bought my house in 1987, 15 homes have been built. 25 mile per hour speed limit road, because of sight problems, curves. That is not a road that can withstand anything further by way of zoning ordinance. We have Shopping Center, McDonalds. Road has now become a thoroughfare. Once Grocery store is in, will be worse. Additionally at least from this site to where McDonalds is at end of road, at least 5 homes. Road is extremely dangerous. I feel that this is an unreasonable Variance. Have not demonstrated a need to request such an unreasonable Variance. Law does not permit unreasonable Variance. 6-ton load limit on that road in the spring. I feel that this is just not a road that can handle it.

T. Morgan recluded himself from case as he is in practice with M. Mozioni. M. Perry named T. Kinnon as alternate in Tim's place.

Ken Gilbert lives on New Durham road since 1956. What I am concerned about is the aspect of pure storage. Don't believe that they are only going to store and not repair. Feel that some minor repairs will be done and will not be quiet. Why would they need a building of that size if they are not going to repair them. Have certain zones and I respect what Mr. Monzioni said. We need to keep some of this residential. Noise carries and it carries very well. My concern is aside from safety factor is repair issue.

Cindy Finethy spoke concerns with outside lighting and what they are required to have as far as that. Also worry about the expansion in the future. Concerns about weight limits, traffic. Idea that if you open this up to one business, what happens now.

Rebuttal:

Russ Emerson said that it is logistics and police department take care of it. Power company are the best in the world as far as demographics. Think they would be good asset in that neck of the

woods. Road used to be 50 mph, now it is 25 mph. If people are concerned about speed, and trash, that is for Police Department. I think Power Company would be asset.

J. Merrill wanted to address Mr. Monzioni's comments on unreasonableness of Variance. Some of permitted uses in RR zone, nursing home, financial business office, craft shop, driving ranges, golf courses, self-storage facility, small engine repair. Light industry, trailer parks, automotive, contractor storage. There are uses permitted as a right or by special exception. Although this is RR, there is other business uses that are allowed here. Low impact nature of this use is reasonable and not unreasonable.

M. Perry stated we also have a letter sent by Ronald and Trishia Edin, they have no objection to the application for Use Variance. Signed on 10/27/05.

T. Kinnon asked if the process has been going on for several years if they had looked at other properties in town? J. Fuller stated two places on 140, one turned out to be not enough site vision for traffic. Looked at Trailer park on 28, by the time we got to it someone had already bought it. 28 North, too wet. Looked on Route 11, Wetlands impact too significant. If you have tried to look for property in town. Would like to mention, whatever repairs would be no different that what is done on Main Street.

A Bystrack mentioned that Rick Dame is in a different zone. It is in Residential Commercial zone. Wanted to address in RR has N in parking facility. When I go down list Automotive Repair, all Ns.

C. Westen stated that not necessarily through. When you get into rural they do allow by special exception. There are some other similar businesses. Talk about traffic, restaurant which is allowed would have more traffic, general store would all see far more traffic. Self-storage facility and warehouses are allowed in RR zone. K. Chamberlain stated Restaurant would be allowed on Class 5 road which this is not.

K. Chamberlain asked what would be heaviest truck, stated 15 tons. Road has 6 ton truck limit in spring. K. Chamberlain stated that we have still not heard from the Applicant criteria for a Variance.

Hardship, think this is a reasonable use of the property because of the uses that are permitted in this Zone. Uses that are permitted and the level of traffic, commercial aspects of these uses compared to what we are proposing.

Attorney Merrill continued stating as to the uniqueness of the property, the property is configured somewhat unusually, makes it difficult to develop. Rear of property has pretty significant slope that it makes it undevelopable. We think that we have allowed the property owner to make the best use of property.

Sub B #1, no fairness or specific restriction of the property. This is a proposal that is low impact,

in line with keeping up with residential rural nature of neighborhood. We do believe based on permitted uses in that zone that there is not really a substantial relationship.

Sub C that the variance would not. :Have heard from two Abutters that this is visually or otherwise no impact. One visual impact that we will buffer appropriately. The development is not going to

2) Specific request is the minimal variance. We do require a Use Variance, we believe we have asked for the minimal Variance required.

3) The request is in Harmony.....and intent of Master Plan.....

Reason The use in RR is not strictly rural or residential, but many that generate traffic and are not single family or multi-family dwellings. Our dwelling is minimally intrusive. We do believe that this proposal and request for Use Variance is consistent with Zoning.

4) Request is not contrary

Reason This is currently an undeveloped property. Will generate \$1,000,000 to the Alton Tax-base. This is being built to accommodate surrounding community. No town services will be required. Not bringing in new residents. Not burden on Fire, Police, or school system. Coop will be better to

5) Substantial Justice: Benefit to Town of Alton in a manner that will support neighborhood that is consistent with Zoning Ordinance.

6) Request will not diminish value of surrounding Abutters are supportive of this project. Building will minimize impact of surrounding properties. Value of surrounding properties will not be affected.

M. Perry stated that will close public hearing and we are in deliberative session.

Board Discussion:

Public Interest:

The variance **will not** be contrary to the public interest.

Reason: L. Avery stated that there was testimony to both. The people that are disinterested raise obvious and good points, leaves it a hard decision. My personal knowledge of the coop, I don't think that it is going to be as loud as some may fear, or openly irritating. It is set back with many buffers, noise does travel, but what noise will be buffered by tree. In that light my theory is that this variance will not be contrary to the public interest. The traffic problem stated that that was route 11, 50 mph on same road. Don't believe traffic impact will be contrary.

M. Perry stated that the variance will be contrary to the public interest. Yes this used to be Route 11, but there is more residential in this area. Also because of the posting of the roads, 6-ton limit. I feel this will be contrary.

K. Chamberlain stated that he feels the variance **will be** contrary to the public interest because of the Load Limit on Road of 6-ton in springtime. K. Chamberlain stated second thing, the business is not allowed as far as the Master Plan goes. Taking into consideration kind of neighborhood it is, there are only three commercial types of businesses, Kim's Kiddie Corner, Florence Art Gallery, and Vegetable Stand. When I look at Use Variance I look at neighborhood. I think this is contrary to what the town wanted to see on that road. A. Bystrack and T. Kinnon agreed

Spirit of the Ordinance:

The request **is not** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety, character of the district within which it is proposed.

Reason:

T. Kinnon I believe the request **is not** in harmony with the spirit of the Ordinance. Although I do believe coop has gone to great lengths, the trucks coming in and out, the road is not type of road to handle this. A. Bystrack agreed; K. Chamberlain stated my main concern is the residential nature of the entire road, service trucks going in and out of that location doesn't seem right. M. Perry stated I do think that because of the nature of the zone that it is in, it is not in the best interest of safety, it certainly is not the intent of the Master Plan. C. Westen agreed with Marcella

Substantial Justice: By granting the variance substantial justice **will not** be done.

Reason: M. Perry, I agree for all the stated reason above, K. Chamberlain stated that he believes the applicant needs to find other properties and cold call and find property in proper zone instead of cramming something in a neighborhood that it doesn't fit in. A. Bystrack, T. Kinnon agreed.

Value of Surrounding Properties – The request **will** diminish the value of surrounding properties.

Reason: T. Kinnon stated mainly because it is a very residential area and trucks coming and going could reduce values, A. Bystrack agreed, K. Chamberlain stated, incompatible use and can't help but to diminish value. M. Perry stated she agrees, specifically because of the basically residential nature of the neighborhood, T. Westin stated it could, but don't necessarily know if this would diminish it.

Hardship Boccia: The area variance **does** interfere with the zone that it is in, the way the Master Plan was written, there are sections of town that may become available that would better suit their needs where it is an allowed use.

M. Perry stated that the applicants at this point in town, but the landowners still have reasonable use of this property. There is a fair and substantial relationship and given the nature of it **will** injure the public or private rights of others.

K. Chamberlain stated as applied **does not** interfere with reasonable use of the property. Don't

feel that the owner's hands are tied, there are other uses. This is not a hardship by any means. The table of uses is restricted. I also will reiterate that this type of business classes. The variance will injure the public or private rights of others because of the road weigh limit, trucks fully loaded would be restricted in springtime as well as abutters that are against this.

A. Bystrack, I believe the land owner has reasonable use of property and can be used. The variance will injure the public or private rights of other because of road and restrictions of weight.

T. Kinnon There are quite a lot of other uses. 2. There is a fair and substantial relationship and given the nature of it. Zoning ordinances were set up so that area would stay residential if we allow this, would open up door. The variance will injure the public or private rights of others because the road and the weight class in spring.

Based on above analysis special conditions **do not** exist such that literal and enforcement of the zoning ordinance is an unnecessary hardship.

K. Chamberlain stated in light of the findings of fact make a motion that we deny case #PO5-39, seconded by A. Bystrack with all in favor.

Motion made to adjourn for 5 minute break. Meeting called back to order at 9:12.

Case#ZO5-27	Map 34, Lot 37-1	Area Variance
Richard Saulnier, Harvey Cataldo, George Babcock		14 Mount Major Highway

Application submitted by Richard Saulnier, Harvey Cataldo, George Babcock for an Area Variance from Article 200, Section 225, Minimum Parking Requirements. The property is located in the Residential Commercial Zone, Alton Shoreland Protection Overlay District and the NHDES Shoreland Protection District.

Planner Comments: K. Menici stated that this was continued from last months. The applicant is the new owner of the building owned by Hunter Homes. The use was office. Also apartment. Part on ground level, part on second story. The applicant if they get the variance, they will be going up against the Planning Board for Site Plan Review. Would like to turn office into retail space. Because of the change of use one of the issues that needs to be addressed is a variance from the off-street parking requirement. Building is part of condominium complex. The common area for the condominium is almost exclusively all parking.

M. Perry wanted to make a note that Tim Morgan is back on board. 14 of the spaces are designated for the pavilion, remaining 6 are split equally between Hunter Homes Building as well as the Real Estate office. They have actually reconfigured parking four spaces for each of two smaller buildings, and then 14 spaces reserved for Pavilion. Parking standards require two spaces for residential and then also require 1 parking space for every 300 square feet of gross area, plus for employees. Actually have 3 different business. So one commercial office would

have to have one parking space for every 300 gross floor area, plus one for every 5 employees. Obviously they only have four spaces so they are looking for a variance from that requirement to allow use of town parking for transient uses in that parking.

K. Chamberlain wanted to know how many they would need. K. Menici confirmed 8, and they have four available on site. The parking has been reconfigured since they came in for site plan review, and he has been able to reconfigure parking.

T. Morgan makes a motion that we accept Z05-27. Seconded by L. Avery, with all in favor.

Richard Saulnier, and Harvey Cataldo spoke for themselves. We are here to get some relief on the parking. Our intent for this building is to create a retail establishment for the Bay. It is our intent to attract retail businesses that would be good for town on a full-time basis. Hopefully it will come to bear. Our intent is to do this long-term. We want to bring the spirit of the bay alive again.

T. Morgan asked about the tenant. Do they have reserved parking.

R. Saulnier stated that we have four in front of building. The tenant is single gentlemen, he has a reserved parking space for his apartment.

The applicant read into record the variance they are requesting.

The current use of our property is commercial/residential. It is unique as it sits in a parking lot. We feel that the above-mentioned situation clearly puts our property outside the usual realm. We have one tenant who is allocated one parking space, so our retail tenants during daytime operations would use balance of spaces. We feel majority would be walking during the day, or coming from the Mt. Washington Tour ship. We are also within walking distance from town docks. By allowing us this variance, we would be able to enhance the area by providing services to town as well as local citizens. We are planning on have Jewelry/Gift shop and seek out tenants that would enhance town. The applicant stated the surrounding uses. This would not create any undue nuisance to traffic or otherwise. We feel that during summer months we would attract walkers or boaters. We currently are renting as office space, so change to retail would not change parking situation. We cannot think of any way this would diminish the value of other properties, it would however enhance them. This does we feel fit in with the Master Plan.

M. Perry asked, if you are looking at three shops. They confirmed. K. Menici stated that when they originally brought in sketch, but as they are giving more thought, more beneficial to replace existing with retail.

K. Chamberlain asked if we could get copy of corrected plan for record. K. Menici stated we would.

K. Chamberlain asked of # of bedrooms. They confirmed two bedrooms, so that could generate a car per person. He also asked if they had received any relief from the Selectmen that give you a share of the overall parking that was granted to the entire condominium. They stated not.

K. Chamberlain stated just to make the record clear, the permission does not affect your business. They confirmed that they did not have any conversation with them. At the time the permission was given to the whole condominium. K. Chamberlain stated that he thought this was just granted to the Pavilion. K. Chamberlain just wanted to make you aware.

M. Perry stated that all we concern ourselves with as far as a condominium is the shared septic system. I think the percentage was the amount of water usage to flow into septic. They use a similar formula with regard to parking. 18%.

K. Chamberlain asked about traffic flow.

Mr. Saulnier stated that the traffic flow for Jeweler, 20 cars per day park for 15 minutes and then leave. I am thinking up here in the Bay a lot of the traffic would be walking traffic. My intention is to have my business full time. Don't know if I can put number on it. Could be 5, could be 10. Average time would be 15 minutes. Same with other tenants we are hoping to attract. Good guesstimate, 10 to 15 cars per day per business for a short period of time.

K. Chamberlain asked if they were familiar with some of the other uses. Specifically would like to address to Town planner previous uses. Coffee shop wouldn't that generate more traffic? My reasoning is that if somebody else could do it, I would take that into consideration.

M. Perry opened up the public session, if anyone is interested in speaking for application, or against.

T. Kinnon asked about letter condominium association has, would be good to see this. If that does extend to your property, would not have to grant variance. K. Menici stated that it still would require a variance because it is a standard contained in Zoning Ordinance, the only board that has the authority to waive is ZBA. However, if ZBA does grant variance, the applicants are still going to have to go to Board of Selectmen to be granted town parking. From our stand point the fewer variances we grant, the easier it is on the Board.

T. Morgan asked about employees. Saulnier stated I am only employee. What we are trying to accomplish is having like one employee type businesses. If you look at size of shops would only have no room for two or three employees. Does parking requirement include employees. He also asked if you go over 300 square feet if there would be more parking required?

L. Avery asked is 8 going to do it? K. Menici stated that includes employee spaces.

K. Chamberlain asked if they are going to change footprint of exterior? Also asked where

parking was? Confirmed it is directly in front. Restaurant thinks they own some of those spaces. Are you proposing to put up reserved parking signs or painting something on asphalt. Stated they will probably be forced to. I am kind of concerned because I park in front of the pavilion and go and have ice cream because that has been the way people have been doing it.

R. Saulnier is not going to get into your customers are parking there etc. We don't want to rough anybody's feathers, but tenants should be able to park to enter their business. Hasn't been a problem with Brad Hunter.

We were not aware that there was no variance. We want to make sure the town is cool with everything. K. Chamberlain asked why they can't put into this structure what meets the requirement of four cars.

It would cause hardship. I think Brad Hunter did a great job cleaning up that building. We have finished what they have started.

A. Bystrack asked where additional parking would come from? They would not designate four more spots. We are here to ask to run just with four.

K. Chamberlain made motion to close the public session and go into deliberations.

Board Discussion:

Public Interest:

The variance **will not** be contrary to the public interest.

Reason: There will be parking in town parking adequately. K. Westen agrees there is enough parking through the bay area. M. Perry there is enough parking. K. Chamberlain stated due to nature of previous businesses there has been plenty of overflow parking, A. Bystrack agree, with all in favor

Spirit of the Ordinance:

The request **is** in harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan and with the convenience, health, safety, character of the district within which it is proposed.

Reason: A. Bystrack stated that it is important for revitalization of the down Town of Alton to promote small businesses, K. Chamberlain the character of the district, residential commercial zone which is the intent of Master Plan, use is not contrary to zoning ordinance, health and safety, water and septic taken care of, M. Perry compatible with uses of zone and would enhance bay area, C. Westen agree for all reasons stated, T. Morgan agrees.

Substantial Justice: By granting the variance substantial justice **will** be done.

Reason: T. Morgan stated that having business on this side will keep area attractive, M. Perry agrees, C. Westen agrees, K. Chamberlain stated it is for owners reasonable use and economic base any viable successful basis. A. Bystrack in agreement with K. Chamberlain

Value of Surrounding Properties – The request **will not** diminish the value of surrounding properties.

Reason: A. Bystrack stated it will be in use and will enhance the area, K. Chamberlain stated remaining same footprint, M. Perry feels that the prior occupants have done a good job in revitalizing area and upgrading building and continued use of building will bring value, C. Westen agrees, T. Morgan also agrees.

Hardship Boccia:

T. Morgan stated Zoning Ordinance does interfere and M. Perry stated variance requested is needed and that the benefits cannot be achieved by other methods reasonably. K. Chamberlain stated an area variance is needed given the special conditions of the property. Definite example of hardship because of lake in front. Benefit sought by applicant cannot be achieved any other way. A. Bystrack an area variance is needed to cover expenses, the benefits sought by the applicant cannot be achieved in any other method.

K. Chamberlain made motion to approve Case Z05-27 based on the findings of fact, seconded by A. Bystrack, with all in favor.

Other Business

Discussion surrounding minutes from August 4. Stated that the minutes were not right. K. Menici stated that there is a copy of the August 4 minutes that have been corrected. Also June 7 minutes seem to be missing. September 1 minutes would like to take up. Page 14 the motion carried with all in favor, and if you read the comments before that, I was not in favor I didn't feel I could vote on that. The second case I voted for. K. Chamberlain had some changes. First page, new applications of Peter and Tracy Long, second to last sentence then should be changed to than. Page 5, under the second paragraph of Substantial Justice, second sentence, L. Avery change illjustice to injustice. Page 10, below ½ way, says Keith Chamberlain, says nobody's name, actually I said that. Usual and customary, not residential and customary. Page 10 two sentences after that, I had made comment about zoning, not Keith.

Page 19 under Board Discussion, top of page, Public Interest, says the Variance will/will not, both are highlighted. Get will out of the bold font. K. Menici stated will needs to be deleted.

K. Chamberlain made motion to approve ZBA minutes from September 1, 2005 as amended. Seconded by M. Perry will all in favor.

October 6 meeting minutes. It has will/will not needs to be corrected. K. Chamberlain made motion to approve minutes from October 6, 2005 ZBA Meeting as amended. Seconded by T. Kinnon with all in favor.

October 17 minutes, page 3, second to last paragraph, I haven't changed my opinion....regarding recreational use, take the and out of there, and change to not for profit. 6th sentence down in same paragraph, "what that meant in, take out the word from." Also take comma out of the end of that sentence. Page 1 first sentence, should say Vice Chairman, Marcella Perry, not Chairman. K.

Menici stated should say Acting Chairman throughout meeting. Second page first paragraph, 6 lines down, "the ZBA decision granting a variance to allow the property owners to contract a building, should say construct". Page 4, second paragraph down four lines from bottom, "if you are grieved by this decision, should be agreed." Last line, says "zoned under recreational use not for profit" take is out. Two more paragraphs down, second line, second sentence, "recreational use, not for profit" take out is. Last paragraph, on same page, 6 lines down eliminate word don't. Just above motion to adjourn, first sentence, the "ZBA will also meet with counsel, take out with." Page 4 the third line down "test under the case decided" should be sited. Page 5, the first paragraph second sentence. "I would definitely like to continue this case to be reheard and have not had an adequate amount of time reading this case since most of my time was spent reading the previous cases. Dealing with the uniqueness of it I can't adequately make a decision considering there is so much gray area unknown. I would rather wait until we are able to gather up more evidence and definitions.

K. Chamberlain made comments about minutes in general and how things do get left out and put in. Cut up and chopped up minutes, would prefer if the tapes were saved 30 days. He noticed that you can have the Land Use Secretary go back to the tape and type this verbatim.

M. Perry made note we need to add to the Agenda the approving of October 17 minutes.

K. Chamberlain made motion to approve minutes of ZBA meeting on October 17, 2005 as amended. Seconded by T. Morgan, with all in favor.

M. Perry stated that because we have new members to the Board, not sure if they are ready to make decision on voting on officers. Would they like to sit for a few meetings. T. Morgan stated that there is some merit to that suggestion. Would like to go through a couple of meetings to get more of a feel of dynamic of group.

K. Chamberlain stated the ZBA by-laws state that we need to elect officers as necessary and we need to get officers in position. T. Morgan stated we have an acting chair and that is more than sufficient for the next couple of meetings. K. Chamberlain stated we don't have a choice, supposed to make this vote and get officers in place at next regular scheduled meeting when majority of board members are present. M. Perry stated that she was just trying to get new members opportunity to work with us. K. Chamberlain stated it doesn't work that way and if you don't understand the rules of the ZBA better than that, I don't know if you should be chair. Go to by-laws of Alton ZBA second 5, regarding Officers. Much discussion over having elections tonight or waiting a few meetings.

T. Morgan made motion to extend the voting of officers for two meetings. Seconded by T. Kinnon, K. Chamberlain opposed.

M. Perry stated we will have an election of officers in the December meeting.

T. Kinnon stated my reasoning is a lot has gone on tonight and we all need to take a deep breath

and come back in December and vote.

T. Kinnon also stated we need to set up a workshop to look at forms and I think it will help with the process to have better forms for applicants. K. Menici stated for next couple of weeks she doesn't have time until week of 21. We should wait until after the Holiday (Thanksgiving). Workshop meeting scheduled for November 28, 6:30, to go over discussion of revising applications, as well as procedural matters. M. Perry suggested having change in the format of meetings. In many times, they hear the case and then take it under advisement, then come up with decision at the next meeting. Discussion on time minutes are kept. K. Menici stated that there is statute as to how long we have to keep minutes as well as when they have to be completed. We have 6 days from meeting. Also would like to discuss communication issues.

Discussion on applications. K. Menici asked how many board members want blank applications to mark up. Will make copies for all board members. K. Menici also stated that she was going to go back to having a folder for all ZBA members that will be kept on counter with information for members.

K. Chamberlain asked for confirmation on Bahre Hearing. Confirmed it is November 17 at 6:30 p.m.

Motion made by K. Chamberlain to Adjourn, seconded by T. Kinnon, all in favor.
Meeting adjourned 11:05

Respectfully submitted,

Jennifer McCullough, Secretary Pro-Tem