

**Members Present**

Paul Monziona, Chairman  
Frank Rich, Vice-Chair  
Tim Morgan, member  
Paul LaRochelle, Selectman's Representative/clerk  
Thomas Lee, member

**Others Present**

John Dever, III, Code Enforcement Officer  
Jennifer Riel, Recording Secretary  
Bel Christo, resident  
M. Amuls, resident  
George Sennott, agent for applicant  
Tom Varney, Varney Engineering  
Stan Kalishman, resident  
Gayle Churchill, resident  
Don Churchill, resident  
Bruce Batchelder, resident  
Ingham Ouellette, resident  
Mark Selfridge, resident  
Richard Fiore, resident  
Roger Moeller, applicant  
Alma Piecuch, resident  
Peter Rederquist, resident

**CALL TO ORDER**

Paul Monziona, Chair, called the meeting to order at 6:05pm.

**APPOINTMENT OF ALTERNATES**

Mr. Monziona stated no appointment of a member is necessary as there is a quorum of five members, although an appointment would be made if there were only three members present and an alternate member was present, Mr. Monziona stated there is not currently an alternate member to the Zoning Board, and if anyone is interested in serving on the board, please contact the Planning Office.

**STATEMENT OF THE APPEAL PROCESS**

The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning 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 have been or will be met.

**APPROVAL OF AGENDA**

No changes were made to the Agenda.

**Mr. Rich made a motion to accept the Agenda as presented. Mr. Morgan seconded the motion. Motion passed, 5-0-0.**

**CONTINUED FROM SEPTEMBER 5, 2019**

<b>Case #Z19-21 Thomas Varney, P.E., Varney Engineering, Agent for Geraldine Gaeta &amp; Jonathan Paine, Owners</b>	<b>64 Barbara Drive Map 71 Lot 21</b>	<b>Special Exception Rural (RU) Zone</b>
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A Special Exception is requested to **Article 300 Section 320 H., c.** of the Zoning Ordinance to permit the expansion of building beyond existing elevations to add a second floor, and make improvements to the foundation. The existing deck is to have a roof and screen sides added.

Mr. Monziona stated the application was reviewed and accepted at the meeting of October 3, 2019 along with the granting of a request for a continuance.

Tom Varney, Varney Engineering, agent for the applicants Geraldine Gaeta & Jonathan Paine, owners, stated the applicants live in Seattle, WA and are unable to attend this hearing. Mr. Varney stated the location of the property is in Alton Shores area, and the cottage is located on Barbara Drive, which is a very steep pathway. It is a heavily wooded lot with steep slopes over 35%. There is not much development on the surrounding properties. The land was surveyed and the survey submitted with the packet. Mr. Varney stated the owners would like to add a second floor to the cottage, which will remain within the same footprint, as well as convert the existing deck to a screened porch. The steepness of the lot does not allow for the building to be moved back away from the shoreline. The foundation will be improved. The proposed improvements will also include storm water management practices to mitigate the effects of runoff into the lake. A septic design and shoreline permit are pending with NH DES. A personal letter from the owners was submitted to the Board, outlining their plans for the property. Mr. Varney explained the storm water management plans on the maps, noting the cottage is 14' wide, 38' long, and the driveway is paved with water running off into the lake. The rest of the land has very little erosion observed and the shoreline is natural. He stated the only thing they can do to this cottage is to build up, as it can't be moved back or to either side. The cottage will remain at the same elevation as will the crawlspace underneath. Diagrams of the cottage design were also presented. Mr. Varney stated they would stop any runoff from going into the lake which would result from the increased use of the land with

infiltration practices. The owners want to park on the road with steps down to the cottage with a retaining wall and patio area.

Mr. Larochelle stated he discussed the project with the owners about a year and a half ago and recused himself from hearing this case.

Mr. Monziona stated the plans submitted illustrate changes beyond those indicated on the application including steps to a seasonal dock as well as noting the plans indicate a deck while the application states porch. Mr. Varney explained the deck would be enclosed to be a porch and its primarily on there for the DES application. Mr. Monziona confirmed the non-conformity of the lot is that it sits entirely within the Town and NH DES shoreline setbacks. Mr. Lee asked whether the foundation would support a second floor. Mr. Varney replied two builders have been there and indicated the footings are ok but they will need to be improved. Mr. Lee asked about the amount of impervious areas going in. Mr. Varney replied the current impervious surface is 11.2% and the proposed is 22.7%. Mr. Morgan asked if there has been a response from NH DES in regards to RSA 43:B, which indicates, *“the provision shall not allow for the enclosure or conversion to living space of any deck or open porch between the primary structure and the reference line within the waterfront buffer.”* Mr. Morgan asked how Mr. Varney would address the enclosure of the deck in light of the statute for a 14x14 open deck, which then would become a 14x14 porch. Mr. Varney replied its legal to have it screened in, as it will not be living space. Mr. Dever explained a screened porch is allowable by NH DES. Mr. Monziona confirmed Mr. Dever stated that as a matter of course, a screened porch with a roof is allowable. Mr. Rich asked for clarification as to what is specifically being requested with the Special Exception. Mr. Monziona stated the Special Exception is for the second floor and the enclosure of the porch, as well as the foundation. The Variance is for the addition of a deck. Mr. Rich asked if it would be a full foundation with a walk-out. Mr. Varney replied it’s a crawlspace and it will remain that way but with improvements. He confirmed the foundation will remain in like-kind but the existing footings will be improved with additional lally columns. Mr. Monziona asked if one would be able to walk into the foundation. Mr. Varney replied yes but it will remain a crawlspace. It will not be a finished basement with walls and floor. Mr. Monziona asked the total height of the ridge after the second floor is added. Mr. Varney replied the ridge would go from 12’ to 24’ at the peak of the roof. The roofline will be changed as well per the rendering presented. Mr. Rich asked if there are homes behind this home. Mr. Varney replied there are homes across the road but are at higher elevations and the views should not be affected. He stated the road is 45’ higher than the shoreline and the homes on the opposite side of Barbara Drive are up steep hills as well. Mr. Monziona confirmed the foundation will remain the same but with improvements; it’s currently on concrete piers. Mr. Varney stated if they end up needing to do a full foundation, they would come back before the Board.

Mr. Monziona opened the hearing for Public Input. None was indicated in support or opposition of the application being granted. Mr. Monziona closed the Public Input.

Mr. Monziona stated a response for the Department Head Review was received from the Conservation Commission, indicating the commission objects to the application of the nonconforming lot becoming more nonconforming. No other department head reviews were noted. Mr. Rich confirmed with Mr. Varney that they are okay with the Board putting in a condition that if things change with the foundation and a full foundation has to come in, they will come back to the Board. Mr. Varney concurred. Mr. Rich stated there would be an incredible amount of more weight on the footings and he's concerned with approving something that they have unknowns about. Mr. Monziona stated the state statute provides for what is being presented here is what they are required to do. Mr. Lee confirmed the footprint will remain the same and the second floor is living space, asking about the septic size. Mr. Varney replied it's currently a state approved 2-bedroom septic system and it will remain as such. Mr. Monziona noted the Town assessing card shows it's a 1 bedroom however the approved design is for a 2-bedroom system and confirmed the structure will only be 2 bedrooms. Mr. Varney replied it would be 2 bedrooms. Mr. Monziona stated that since more information was taken, asked if there was any other Public Input. None was indicated. Mr. Dever stated he's been doing research on this project over the last year in working with the applicants and confirmed the current system is a state approved 2-bedroom system and the new design is also a 2-bedroom design.

***Discussion***

*The Board must find that all the following conditions are met in order to grant the Special Exception:*

Mr. Lee stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Section 520B and a recommendation has been made. The Board agreed.

Mr. Morgan stated the specific site **is** an appropriate location for the use. Mr. Morgan noted the use is not changing and it will continue to be a cottage. The Board agreed.

Mr. Rich stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated it may increase the property values by improving the structure. Mr. Monziona stated there is no incompatible use here. The Board agreed.

Mr. Monziona stated there **is no** valid objection from abutters based on demonstrable fact. No abutters came forward and no letters or communications in opposition were received. The Board agreed.

Mr. Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. Mr. Monziona stated none of these changes would affect pedestrian or vehicular traffic. The Board agreed.

Mr. Morgan stated adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure. There are existing facilities and utilities. Mr. Rich stated Mr. Varney has adequately depicted the plans and foundation. The Board agreed.

Mr. Rich stated there is adequate area for safe and sanitary sewage disposal and water supply. Mr. Rich stated with the applicant already has a DES approved 2-bedroom system which is adequate for the property. Mr. Monziona stated it was indicated there would be no increase in bedrooms. The Board agreed.

Mr. Monziona stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. Mr. Monziona stated the use will remain the same as a residential cottage and the ordinance permits an expansion as long as there is not an adverse impact on abutters and will be accommodated by approved sewer and water supply. The Board agreed.

**Mr. Morgan made a motion to approve the request for a Special Exception for Case #Z19-21 with the following conditions: NH DES requirements be met and NH DES approval of enclosure of the deck. Mr. Lee seconded the motion. Motion passed, 4-0-0.**

<b>Case #Z19-22 Thomas Varney, P.E., Varney Engineering, Agent for Geraldine Gaeta &amp; Jonathan Paine, Owners</b>	<b>64 Barbara Drive Map 71 Lot 21</b>	<b>Variance Rural (RU) Zone</b>
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A Variance is requested from **Article 300 Section 327 A. 1.** of the Zoning Ordinance to permit the addition of a deck, 6 feet wide and 38 feet long, onto an existing cabin, that will create a total encroachment of 28.5 feet into the 30-foot shorefront setback from Hill’s Pond.

Mr. Monziona stated the application was reviewed and accepted at the meeting of October 3, 2019 along with the granting of a request for a continuance.

Mr. Varney stated the owners would like to construct a deck for added space to enjoy the lake waterfront. He stated NH DES allows for a deck to be constructed and explained the land will go out 1.5’ past the deck to the shoreline. Mr. Varney stated its something the owners would really like to have and presented pictures of the shoreline. He stated the deck would be at sill level and could be walked under. Trees, rocks and vegetation will not be disturbed very much and there is not much erosion. Mr. Varney explained there would be a rain gutter around the deck to avoid runoff erosion. Mr. Lee asked if the cottage is 7.5’ from the shoreline. Mr. Varney confirmed it is. Mr. Lee noted that even though this is an extremely short distance from the structure to the shoreline, NH DES indicated it is acceptable as long as there’s not further encroachment. Mr. Monziona

asked what the hardship circumstance is for this as indicated by subparagraph 5.B:  
*“unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:*

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- ii. The proposed use is a reasonable one.*

Mr. Varney replied most houses on the lake have a deck and it adds to the enjoyment of the property. Mr. Monziona asked if there are structures on either side of the cottage with similar slope or topography. Mr. Varney replied they have similar slopes but not as steep for those properties. Mr. Dever explained it levels out a bit to the right but around the corner it starts going back to being very steep. Mr. Rich asked about the plan for the deck and asked if there will be stairs down from the deck to the ground. Mr. Varney replied there won't be any. There will be a door from the house to the deck. Mr. Monziona noted the proposed east elevation shows some footings or posts for support going toward the lake and asked if it will be cantilevered out. Mr. Varney replied it would all be on posts, which seem to be missing from the drawing. He stated it will be sitting on rocks or concrete will be poured. Mr. Monziona confirmed NH DES is ok with concrete being poured near the shoreline. Mr. Dever explained its steep and rocky so the posts will likely need to be dug by hand. It was confirmed the deck would be the full length of the structure, 38'. Mr. Monziona asked about the depiction of latticework under the deck. Mr. Varney explained its boards and are not structural. Mr. Rich confirmed it would remain open underneath for getting around the building. Mr. Rich noted although it's been approved by NH DES, it's going from nonconforming to even more nonconforming. He asked if the other homes around it are this close to the water. Mr. Varney replied no, but they are within the 30' town and 50' state setbacks. Mr. Lee asked if the deck is proposed to be cantilevered or on sona tubes. Mr. Varney replied it would be on sona tubes.

Mr. Monziona opened the hearing for Public Input for support or opposition of the application being granted.

Mark Selfridge, resident, stated he has watched the town through the years, tell people they can't build within the setbacks of the lake as well as seen where stuff that was built having to be removed or cut back because it was too close to the lake. He state he doesn't want to see the Board allow someone to build within 1.5' feet of the lake.

Mr. Morgan noted an email was included in the packet from Frances Szoces, owner of Map 72, Lot 47, which indicates concern about encroachment on their property and opposition to granting of the variance. Mr. Monziona noted he doesn't understand the concern of encroachment as its not an abutting property. Mr. Varney stated lot 47 is across the road. He stated they could do the deck 4' if that would help.

Mr. Monziona closed Public Input.

Mr. Monziona stated he is having trouble with the hardship portion of the criteria and although it was offered to cut it down to 4' feet, it will have a brand new second floor, brand new enclosed porch and if you walk 7', you are in the water. He stated it seems a bit extreme. Mr. Rich agreed and stated the applicants bought the home knowing it was this close to the lake and questioned wither its in the spirit of the ordinances. He suggested there could have been a less intrusive option on the front with perhaps some of the deck on the side; they would also have to go around the deck to get to the water. Mr. Lee stated that it's a nonconforming building doesn't give anyone a right to make it more nonconforming. He asked Mr. Dever if they could cantilever a deck. Mr. Dever replied they would have to put support all the way under the house. Mr. Monziona noted this lot is grandfathered to the 30' setback ordinance but the current setback is 50'.

***Discussion***

*The Board must find that all the following conditions are met in order to grant the Variance:*

Mr. Morgan stated the variance **would** be contrary to the public interest. Mr. Morgan stated that what is being proposed varies in a marked degree to what the ordinance permits. The Board concurred.

Mr. Rich stated the request **is not** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. Mr. Rich stated he sees this as contrary to the spirit of the ordinance and the public interest. Mr. Monziona stated he would say the same with regard to a 4' deck. The Board concurred.

Mr. Monziona stated that by granting the variance, substantial justice **will not be** done, and stated this is because this usually deals with detriment to the public and benefit to the owner and this is a residence that is being well used and they enjoy the benefit of the lake and being closer is unnecessary and is the kind of thing the ordinance is designed to prohibit. Mr. Monziona stated the slope of the land prohibits from being moved back but they are making good use of the space with the second floor and the enclosed porch and this would be an unnecessary addition. The Board agreed.

Mr. Lee stated the values of surrounding properties **will** diminish the values of surrounding properties. He stated this would be a "slippery slope" figuratively and literally, with sona tubes closely encroaching on the body of water. The Board agreed.

Mr. Morgan stated that for the purposes of this subparagraph, *"unnecessary hardship" means that, owing to special conditions of the property that distinguish it form other properties in the area:*

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- ii. The proposed use is a reasonable one.*

Mr. Morgan stated the ordinance intends to prohibit this kind of thing and there is no unusual characteristic of the property that would permit them to go against it. He stated he doesn't see it as a reasonable use. The Board concurred.

**Mr. Rich made a motion to deny the request for a Variance for Case Z19-22. Mr. Lee seconded the motion. Motion passed, 4-0-0.**

Mr. Monziona closed the Public Hearing.

Mr. Monziona stated the Board has rule that no new case will be started after 10:00pm. He stated they would finish a case started before that time and offered applicants the option of requesting a continuance due to the number of cases on the agenda.

Mr. Larochelle rejoined the Board.

**NEW APPLICATIONS**

<b>Case #Z19-23 George F. Sennott, Jr., Agent for Joseph M. &amp; Patricia A. Clark, Owners</b>	<b>18 Perkins Road Map 69 Lot 19</b>	<b>Variance Lakeshore Residential (LR)</b>
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A Variance is requested from **Article 300 Section 327A.3.** of the Zoning Ordinance to permit the construction of an accessory shed with a patio deck within the 10' side and rear setbacks.

Mr. Monziona read the case into the record. The Board reviewed the application for completeness. Mr. Dever noted this property is located in a Rural Zone not Lakeshore Residential.

**Mr. Rich made a motion to accept the application as complete. Mr. Lee seconded the motion. Motion passed, 5-0-0.**

George Sennott, Jr., agent for owners Joseph and Patricia Clark, stated he is representing the case on behalf of his in-laws. Mr. Sennott stated they want to replace an existing 10'x10' shed with a 16' by 24' shed, along with a 12' by 20' covered deck and a 4' by 24' cantilevered deck. He explained the location of the proposed deck, noting it would encroach on the back setback to lots 18 and 20. The Board reviewed the diagrams of the proposed shed and maps presented along with the setbacks. Mr. Monziona confirmed the existing deck encroaches on the back setback as well. Mr. Sennott presented pictures showing the property and setbacks as well as the existing shed. He stated his father owns the vacant abutting property, collectively with the Clarks, lot 20. The new structure as proposed would land 5' into the 10' setback. Mr. Larochelle asked when the footings were placed and their construction. Mr. Sennott replied they were set about a month ago



and will be filled with concrete as supports for both shed and decks. He stated the purpose of the shed will be for tools and storage for items that are currently in the cottage but they want to finish that space and possibly add a bedroom in the future. Mr. Monziona asked if the shed would have any utilities, water or electricity. Mr. Sennott replied no. He confirmed a building permit would be needed due to the size and confirmed he did begin the work prior to receiving the variance. Mr. Larochelle confirmed that the deck on the back would be on the property line. Mr. Sennott explained there would still be about 5' before the line. The deck will be elevated, with one step down to the ground. Mr. Morgan asked where the nearest structure is to the lot. Mr. Sennott replied there is a garage on lot 18 and the residence is about 50' away. Mr. Morgan stated one of the reason for setbacks is for safety purposes and asked if a fire truck could get through. Mr. Sennott replied yes however a fire truck won't likely drive through the area due to the roads. He stated there would be about 12 to 15' between the structures. Mr. Monziona asked if the existing structures are currently compliant with the setbacks. It is unknown for sure. Mr. Rich asked how close the structure would be to the telephone pole. Mr. Sennott replied he's not sure but there's a 75' driveway there. Mr. Larochelle questioned the location of the structure. Mr. Sennott replied there is the septic closer to Perkins Road and they aren't sure where the leach field is. He stated he put it there because that's where the existing shed is, and was also aware of the setbacks from the roads. Mr. Rich stated one of the biggest issues they have is with encroachments on property lines. He suggested some modifications to make the structure less encroaching, including moving the shed back towards the house by 6', move the side deck back 2' into the shed so the only encroachment would be the back deck. He asked if the applicant would be willing to meet this. Mr. Sennott replied yes. Mr. Monziona summarized the current violation is 36 square feet into the setbacks and the proposed structure would encroach 340 square feet, however Mr. Rich's modification would reduce that by about 104 square feet to 236 square feet. The plans were marked up to reflect the modifications with all the orange and all the yellow comes out of the blue, replacing the yellow. Mr. Dever stated one of the issue going forward is the septic system and what happens if the system fails. However, with the families owning surrounding lots, they would have to make it available for dealing with the septic with an easement. Mr. Monziona asked if there is sufficient area for a replacement even with the current shed. Mr. Dever replied that with today's standards, they might be able to make it work. Mr. Sennott asked about the encroachment on the side, with lot 20. Mr. Rich suggested taking down the side by one block in the diagram and asked if the applicant would be willing to accept that modification as well. Mr. Monziona explained the applicant is allowed to make modifications and that is what the Board will consider in the discussion.

Mr. Monziona opened the hearing to Public Input. No input in favor or opposition to the application being granted was indicated. Mr. Monziona closed Public Input.

***Discussion***

*The Board must find that all the following conditions are met in order to grant the Variance:*

Mr. Lee stated the variance **would not** be contrary to the public interest. Mr. Morgan stated that the public interest would be crowding and safety issues and those are addressed in the application. The Board concurred.

Mr. Morgan stated the request **is** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. Mr. Morgan stated the spirit of the ordinance is to avoid crowding and this complies with the Master Plan. Mr. Monziona stated he agrees based on the plan modifications as discussed and agreed upon by the applicant this evening. The Board concurred.

Mr. Rich stated that by granting the variance, substantial justice **will be** done. Mr. Rich stated the applicant has worked with the Board and been upfront with the plans as well as being willing to reduce the size of the structure and make it less nonconforming. Mr. Morgan stated the benefit to the applicant outweighs any loss to the community. The Board agreed.

Mr. Monziona stated the values of surrounding properties **will not** diminish the values of surrounding properties. Mr. Monziona stated that with the modifications to the plans, the impact will not be much more than the existing structure which is grand-fathered in. The Board agreed.

Mr. Larochelle stated that for the purposes of this subparagraph, *“unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:*

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- ii. The proposed use is a reasonable one.*

Mr. Larochelle stated proposed purpose is reasonable. Mr. Morgan stated the hardship in this case is that it’s a small lot with a canted lot line. The Board concurred.

**Mr. Rich made a motion to grant the request for a Variance for Case Z19-23 with the condition that the applicant agrees to reduce the size of the new shed to 13.5’ wide and 22’ long, and pull back any area to be within the setback areas. Mr. Lee seconded the motion. Motion passed, 5-0-0.**

**NEW APPLICATIONS**

<b>Case #Z19-24 Roger Moeller and Jennifer Robb, Applicants/Agents for Stephen A. &amp; Francee T. Longmuir, Owners</b>	<b>1543 Mount Major Hwy Map 20 Lot 1</b>	<b>Special Exception Rural (RU) Zone</b>
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A Special Exception is requested from **Article 400 Sections 401D.47 and 355** of the Zoning Ordinance to permit the use of Rural zone property for use as a seasonal Recreational Camping Park.

Mr. Monziona read the case into the record. The Board reviewed the application for completeness.

**Mr. Larochelle made a motion to accept the application as complete. Mr. Lee seconded the motion. Motion passed, 5-0-0.**

Roger Moeller, applicant, stated he grew up in NH and has a background in engineering as well as operating a season campground with his father in Laconia. Mr. Moeller stated their proposed plans are to build and develop a seasonal 100-site campground in the lake area to provide affordable access to families to the lakes region. He stated preliminary tests show the soils are suitable for septic systems and explained they currently have an accepted offer on the land with the contingency that a Special Exception is granted. Mr. Moeller stated there was a concern about wetlands and some were found which were not noted on the maps but he doesn't see a problem with where those are located. He noted the entrance to the location would not be changed on Route 11 and it would be gated. Mr. Moeller stated there would be no transient RVs coming and going and they are looking to develop a family friendly campground, there would not be a lot of RV traffic but only that of the campers coming and going and noted there are a lot of local amenities including public accesses to the lake. He noted the plans are within all the setbacks along with a vegetative buffer zone. Mr. Moeller explained that in his experience the biggest difference with seasonal campgrounds and those with transient campers, is the sense of responsibility and community that develops and doesn't foresee problems with regards to that. Mr. Rich confirmed the location, which used to be a garden center on Route 11. Mr. Lee noted an abutter commented about the wetlands on the property and the rough terrain that would restrict the plans. Mr. Moeller replied they would be constrained by the topography for the sites and the roads; he stated the roads would have loop type systems to allow for ease of getting around. Mr. Lee asked if there would be fencing around the property. Mr. Moeller stated there are no plans for fencing but he doesn't anticipate the need for one and isn't aware of a campground that has that. He noted there were also concerns about traffic and trespassing but doesn't anticipate that issue with seasonal campers and explained the entrance plans would require state approval. He noted the rock outcroppings that were of concern would also fall on the state due to proximity to the state road. Mr. Moeller noted the plans presented are only a conceptual design and explained the map doesn't accurately depict the topography but just to give an idea of what the park might look like. Mr. Larochelle asked if they are prepared to modify the park to reduce the sites if necessary. Mr. Moeller replied the first verification would be that there is sufficient water for the project and if there was not, the project would end. He stated if that was all set, then yes, he would continue to the planning stage if the special exception is granted. He stated he envisions large, private lots. Mr. Lee stated a concern is the draw on the water as well. Mr. Moeller explained the required gallon yield

for a campground and stated the wells proposed are all within setbacks. Mr. Monzione stated they need to determine whether the objections from the abutters are valid as well as whether there is un-due hazard to pedestrian or vehicular traffic. He asked how they would prevent RVs going in and out daily. Mr. Moeller stated the entrance would be gated and the entrance sign will indicate it is a seasonal-only campground. He stated all campers would be signed-up for the entire season from May to October. Mr. Monzione confirmed the number of sites is unsure, as it will change based upon topography and wetlands; the number of wells or water sources is unsure; land available for septic systems is also unclear. He stated as the Board goes through the criteria for discussion, they have many unknown answers to the questions with factual information, and stated he doesn't know how he will be able to answer the questions in the affirmative without the information being presented, showing the criteria is being met. Mr. Monzione stated they don't know if the property can accommodate 100 sites. Mr. Moeller stated he asked for 100 sites is because it comes down to the spacing of the sites and they can plan the roads and septic around that. He stated he can answer the questions in likely hood but won't know for sure until wells are drilled, etc., and stated he understands it that the detailed planning process begins after the Special Exception is granted. Mr. Rich stated it seems the "cart is before the horse". Mr. Moeller stated he reviewed the Turtle Kraal application and didn't see much more detail than he is presenting. Mr. Rich stated this is a development and as a developer he needs to know for sure if there is enough water. Mr. Moeller stated he doesn't own the land. Mr. Rich replied he could get permission to drill on the land to determine its suitability for this purpose. He stated the Board can't answer the criteria questions with limited information. Mr. Larochelle stated that with Turtle Kraal, they did a Site Walk, the applicants were the property owners and it was a process over a few meetings and suggested Mr. Moeller needs to do some more homework before coming for an approval. Mr. Monzione stated he would have to say no to all of the questions at this point. Mr. Rich suggested Mr. Moeller doesn't need to necessarily buy the property but he can work with the owners to do his due diligence and accept the cost of doing business so he can come back with answers to their questions. Mr. Monzione gave the applicant the option to proceed with this Public Hearing or to seek a continuance for more time to gather information. Mr. Moeller agreed to continue to the December 5, 2019 meeting. Mr. Dever noted any additional information would need to be submitted by November 21, 2019.

**Mr. Rich made a motion to grant the request for a continuance to the meeting of December 5, 2019. Mr. Larochelle seconded the motion. Motion passed, 5-0-0.**

<b>Case #Z19-25 Richard J. Fiore, Jr., Richard J. Fiore, Sr., &amp; Arlene M. Fiore, Owners</b>	<b>19 Depot Street Map 27, Lot 42</b>	<b>Special Exception Rural (RU) Zone</b>
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A Special Exception is requested from **Article 400 Section 401D.5.** of the Zoning Ordinance to permit the repairs of commercial trucks on the property when off site work is not an option.

Mr. Monziona read the case into the record. The Board reviewed the application for completeness. Mr. Monziona asked the applicant if the information submitted is pertinent to both cases. Mr. Fiore confirmed it is. Mr. Morgan noted the zoning is listed as “Rural Zone” which is incorrect on the Staff Review worksheet, as it should be “Residential” and questioned whether the appropriate abutters were notified. Mr. Morgan suggested that since this is part of the record, and the application is not complete, they should not go forward at this time. It was also noted the Board of Selectmen did not receive the appropriate notification of the case for review. Mr. Monziona suggested the case be continued to allow for proper notifications to be completed. The applicant concurred. Mr. Dever will discuss this with the Town Administrator in regards to making an appointment with the Board of Selectmen. Mr. Monziona stated Case #Z19-25 and Z19-26 would go on the agenda for the December 5 meeting, with continued cases going first.

**Mr. Morgan made a motion to accept the request for a continuance to the meeting of December 5, 2019. Mr. Lee seconded the motion. Motion passed, 5-0-0.**

<b>Case #Z19-26 Richard J. Fiore, Jr., Richard J. Fiore, Sr., &amp; Arlene M. Fiore, Owners</b>	<b>19 Depot Street Map 27, Lot 42</b>	<b>Variance Rural (RU) Zone</b>
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A Variance is requested from **Article 400 Section 401D.13.** of the Zoning Ordinance to permit the use of boat storage on the property.

The case was continued with the previous motion.

**OTHER BUSINESS**

**Update on Proposed Zoning Amendments for 2019-2020**

Mr. Dever distributed a summary of the draft proposed zoning amendments. He explained there are still some administrative edits that will be made such as reordering of parts, particularly regarding the campground ordinance but nothing is being changed so there won't be a warrant article for those items. The Board reviewed the proposed amendments and edits were made for clarification on definitions. Mr. Dever stated they would be forwarded to the Planning Board and Board of Selectmen for review and discussion as well.

**APPROVAL OF MINUTES**

Meeting of September 5, 2019 – Edits were made: Page 3, halfway down the page, remove the extra word “on”; page 4, second paragraph, insert “has” for “is”; page 8, halfway down the page, remove “look it.”

**Mr. Morgan made a motion to approve the minutes as amended. Mr. Larochelle seconded the motion. Motion passed, 4-0-1.** Mr. Monziona abstained.

Meeting of October 3, 2019 – Edits were made: Page 4, first paragraph, correct spelling of “Monziona”.

**Mr. Rich made a motion to approve the minutes as amended. Mr. Lee seconded the motion. Motion passed, 3-0-0.**

**Correspondence**

None.

**ADJOURN**

**Mr. Morgan made a motion to adjourn. Mr. Larochelle seconded the motion. Motion passed, 5-0-0.**

The meeting was adjourned at 9:26 pm

Respectfully Submitted,

Jennifer Riel, Recording Secretary

Minutes approved as amended: December 5, 2019