

**TOWN OF ALTON
ZONING AMENDMENT COMMITTEE
MINUTES OF 2018-2019
NOVEMBER 27, 2018**

APPROVED

Members Present: Tom Hoopes
Phil Wittmann
Paul LaRochelle
Scott Williams

Others Present: John Dever, III, Code Official
Nic Strong, Town Planner
Loring Carr

Scott Williams called the meeting to order at 6:00 p.m. +/-.

Tom Hoopes MOVED to add discussion of a letter submitted by Paul Monzione and delivered to the committee by Paul LaRochelle under New Business to do with zoning districts. Paul LaRochelle seconded the motion and it PASSED unanimously.

Tom Hoopes MOVED to approve the agenda as amended. Paul LaRochelle seconded the motion and it PASSED unanimously.

1. Old Business:
 - a) Proposed 2019 Amendments to the Alton Zoning Ordinance

Scott Williams asked Nic Strong to run through the proposed amendments. Nic Strong began by saying that the only change to the amendments since the committee's last meeting was proposed amendment #4, Product Storage Area. She noted that the committee had asked John Dever and herself to suggest a measurement to be added for the required buffer area and they had used a 25' minimum. She also noted that a section number had been assigned to the section.

Scott Williams stated that the committee would discuss amendment #4 and then go back through all the amendments to vote to approve them to go to the Planning Board for public hearing.

Loring Carr asked what the definition of durable goods was in the section. John Dever explained that the storage area could be used for items such as snowmobiles in crates awaiting assembly and also for car dealerships as an overflow lot. Nothing would be sold directly from that storage area and no assembly or work on the product could take place. Loring Carr thought that the ZBA would have trouble with the lack of definition of durable goods. Nic Strong stated that she and John Dever had discussed leaving the description fairly broad to allow an individual to propose the type of product they needed to store. But she noted that they had also discussed adding a few more examples such as the snowmobiles or lawnmowers in crates or the other items that had been mentioned at the last meeting. She suggested that the term "durable goods" did not have to be used, the section could instead include a list of other potential storage items. Loring Carr asked why boats were not included. It was explained that boat storage was specifically addressed elsewhere in the Zoning Ordinance which was a section for the storage of already owned boats. The Product Storage Area could, however, potentially be used for the storage of new boats that would not fit on a lot that currently sold boats, similar to a car dealership overflow lot. It would still need a site plan with the

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Planning Board. John Dever read the definition of Product Storage Area: "A property for the outdoor storage of products marketed offsite for later distribution to wholesale or retail customers. Examples of these products include, but are not limited to, shipping containers, and other durable goods.". It was decided that this definition was clear and there was no confusion with the boat storage category.

Tom Hoopes MOVED to forward proposed amendment #4 as presented to the Planning Board for public hearing. Paul LaRochelle seconded the motion and it PASSED unanimously.

The committee moved to the rest of the proposed amendments.

Proposed Amendment #1. Nonconforming uses, structures and lots

Loring Carr asked about using Clean Solutions septic systems and if that language could be included in the nonconforming section. It was noted that was dealt with in the Health Ordinance and would not be appropriate to include in this section.

Tom Hoopes MOVED to forward proposed amendment #1 as presented to the Planning Board for public hearing. Paul LaRochelle seconded the motion and it PASSED unanimously.

Proposed Amendment #2. Condominiums

Tom Hoopes MOVED to forward proposed amendment #2 as presented to the Planning Board for public hearing. Paul LaRochelle seconded the motion and it PASSED unanimously.

Proposed Amendment #3. Stormwater Management

John Dever noted that this was intended to deal with situations where a house was already built but further work took place on the lot and water was leaving the site and draining onto the neighbor's lot. It was noted that normal, natural runoff was a different thing. Loring Carr thought that there was already a stormwater management regulation in place. John Dever stated that was not for use after the fact of initial construction but could also apply, for example, when a horse paddock was put in and the land cleared and stumped. Scott Williams stated that this was intended to apply to all lots.

Tom Hoopes MOVED to forward proposed amendment #3 as presented to the Planning Board for public hearing. Paul LaRochelle seconded the motion and it PASSED unanimously.

Proposed Amendment #5. Residential Rural Zone

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This amendment was proposed to clarify that single family dwellings in the Residential Rural district required one acre per single family dwelling on a lot. Loring Carr started asking about the language for multifamily dwellings and duplexes that was in the amendment leading Nic Strong to suggest that the language of the amendment be altered. She noted that she had included the whole Zoning Ordinance section in the amendment to give context to the proposed change but she was realizing that it was confusing for people because the amendment was only to sub-section 1. She suggested adding to the description of the amendment the words, Subsection A.1, as follows: "*Amend Article 400, Zoning District Regulations, Section 460 Residential Rural Zone, Section 463 Restrictions Governing Use, Subsection A.1., to clarify that one single family dwelling only is allowed on a lot and the minimum lot area shall be one acre...*". She also suggested deleting the wording about multifamily and duplexes because no changes were proposed to that language. The committee agreed.

The changes discussed above were made so that proposed amendment #5 was changed to read as follows:

PLANNING BOARD PROPOSED AMENDMENT #5:

Amend Article 400, Zoning District Regulations, Section 460 Residential Rural Zone, Section 463 Restrictions Governing Use, Subsection A.1., to clarify that one single family dwelling only is allowed on a lot and the minimum lot area shall be one acre, as follows:

SECTION 463 RESTRICTIONS GOVERNING USE

(As amended 13 March 1983, 13 March 1984, 13 March 1991, 9 March 2004, 14 March 2006, 13 March 2007, 10 March 2009, March 9, 2010)

The following shall govern permitted and all other uses:

- A. The minimum lot area shall be:
 - 1. Dwelling –Single Family – one (1) acre ~~per dwelling unit~~.

RATIONALE:

This proposed amendment would clarify that in the Residential Rural District, one single family dwelling is permitted per lot and requires a minimum lot size of one acre.

Tom Hoopes MOVED to forward proposed amendment #5 as amended to the Planning Board for public hearing. Paul LaRochelle seconded the motion and it PASSED unanimously.

- 2. New Business
 - a) Discussion of Table of Uses and any proposed changes that may require amendment

Scott Williams noted that he had asked this year to get the committee a copy of the Table of Uses to review. He thought that Retail Business and Service use #48, Seasonal Cabins, should be discussed. He noted that currently those were only permitted in Recreation Service and by Special Exception in

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Lakeshore Residential. He thought these should be allowed in the Rural District as well. He stated that there was no place for someone that couldn't afford a place on the lake to come up and enjoy the area. Scott Williams thought that occupancy should be considered and make it no longer than five months and 30 days so that residency couldn't be claimed. He thought there was a real need for someone to build a cottage colony. Paul LaRochelle noted that this type of cottage was dwindling fast in the area and there were not a lot of places available for seasonal use. Scott Williams stated that these cabins could be closed down for, say, a month and then open up December 15th to March 15th or similar to allow winter usage. Then close down again and open up May 1st. He stated that the tiny homes were ideal in this situation and a maximum square footage could be put on the cabins. Discussion regarding the type of structure took place and Scott Williams stated that he would like to see them constructed on a foundation but noted that park model mobile homes were not what he was thinking of. He thought that a square footage of 600 - 700 s.f. would be appropriate. Paul LaRochelle thought that Cozy Cottages was a good example, set on a foundation with one bedroom and a kitchenette. Scott Williams thought that two bedrooms could be allowed with the right septic system requirements for the size of the use.

Tom Hoopes stated that at the recent All in For Alton many people had mentioned that Alton needed a destination hotel for entertainment purposes, weddings and so on.

John Dever pointed out that the current definition of seasonal cabin did not meet the criteria that had been described by the committee so it would need to be examined and revised.

"A small residential structure that does not have all year round water availability (because of water service, insulation, heating, etc.), and is used for only the spring, summer and fall seasons."

The current definition did not allow for winter usage and did not have year round water availability. It was noted that when the definition was created the cabins were used that way, but now people were able to access in winter. Scott Williams also noted that not allowing use in the winter gave the older septic systems time to rest which was not an issue with newer systems. It was noted that the definition could be changed to apply to cabin colonies versus seasonal cabins. Scott Williams pointed out again that the ordinance should be careful not to allow year round residency. Tom Hoopes thought that if this was allowed in the Rural zone it should require a paved road. John Dever thought that would come up during the Planning Board review process.

Loring Carr wondered about condominiumizing these cabins. It was noted that the length of rental would be included in the ordinance and that the language should address the condominium aspect. Discussion should take place about the rental time, the size, outside deck space, whether or not they could be condominiums and so on.

Tom Hoopes MOVED that next year ZAC should discuss cabin colonies. Paul LaRochelle seconded the motion and it PASSED unanimously.

John Dever pointed out Retail Business and Service #27, Lumber yard. He noted that this was only allowed in the Rural District. He read the definition: " An establishment where the general public can

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purchase building supplies." It was noted that the current locations of these businesses now were not in the Rural District and this should be looked at.

John Dever also noted that Firewood Processing, #18, was allowed by Special Exception, and was allowed in the Residential Commercial zone which was very small and did not have enough space for this type of use. He noted it may not be appropriate in the RC.

Scott Williams thought that Boat Sales, Service and Storage should be reviewed in terms of the districts they were allowed in, as well as Self Storage.

Loring Carr asked about Governmental Buildings and why a boat museum would not be permitted in the Lakeshore Residential District. He thought that it could be a Special Exception for a library or a small museum in these areas.

John Dever stated that the Alton Zoning Ordinance permitted almost everything in the Rural District which was a little different than many other communities that tried to preserve their Rural District for more rural activities while putting more intensive uses in the commercial districts.

The committee determined that the entire Table of Uses would be reviewed by next year's ZAC.

John Dever pointed out an issue that had recently cropped up with the height requirements in the Zoning Ordinance where someone wanted to put a cupola on a boathouse which would make it taller than 15'. He stated that there were three paragraphs in the ordinance relative to this: boathouses could be 15' above high water; other buildings had a maximum 35' height; and, there was a Special Exception to allow heights beyond the 35' height. John Dever noted that a recent application was made for a cupola on a boathouse which would be above 15' but the Special Exception procedure did not apply to these structures and the applicant actually needed a variance.

John Dever noted that the State's allowed height for boathouses was 20' but the town was at 15'. He thought that the ordinance could be changed to add the 15' buildings into the Special Exception category or the town could make the height match the State's 20' requirement. He noted that height was non-negotiable with the State. John Dever noted that another argument to match the State's height limit was that boats are a lot bigger now than they were in 1970 when the regulation was written. He thought this should be reviewed and maybe it would stay at 15' with a variance required for anything taller.

The committee determined to review this for next year.

- b) Discussion of a letter from Paul Monzione, received November 27, 2018.

Scott Williams asked Paul LaRochelle to take the lead with this item as he was the one who had delivered it to the ZAC committee. Paul LaRochelle stated that Paul Monzione was suggesting rezoning parcels of land. He noted that this had been discussed in the past and he was suggesting expanding the Residential Commercial District. Paul Monzione was suggesting looking at one area

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of town at a time rather than trying to look at the whole town and was suggesting land north of the traffic circle and around the American Legion and carwash business because it was already highly commercialized. Access was noted to be an issue off the State highway. Tom Hoopes stated that minimizing curb cuts by creating one common entrance to multiple businesses worked well. It was noted that the land behind the carwash was zoned Residential Rural and had access through the Legion and carwash parking lots. Scott Williams pointed out that rezoning only one lot could be construed as spot zoning so this would have to be an area that would be rezoned for good cause. He also noted that new districts should follow property lines so that lots were not bisected by zoning districts. John Dever noted that the discussion from a few years ago had suggested areas to develop for commercial or light industrial. Scott Williams thought that an area up to Old Wolfeboro Road might be an idea for an area to rezone.

Paul LaRochelle noted that Paul Monzione disclosed that he had done some legal work for the owner of the carwash but that he thought that due to the commercial nature of the activity already in the area and the vacant land in the area this would be a good location to consider.

Scott Williams thought that Alton was lucky because of the balance between commercial versus residential and there was also waterfront property. He thought that backland could be used for commercial opportunities by putting in a road to access the backland that wouldn't affect the look of the main highway. Tom Hoopes stated that fixing up the downtown had been an important topic mentioned at the All in for Alton event recently. He noted that there had been a downtown revitalization project at some point in the past but he was having trouble finding the plans for that. He further noted that the problem with developing further in the downtown area and close by was the lack of sewer availability and the restrictions that come with needing septic systems.

The committee noted that keeping businesses interested in coming to the community was very important as long as it was balanced with considerations to maintain the aesthetics. It was noted that this should be discussed as part of the ZAC's work next year but could not be accomplished this year because there was not enough time to deal with something so complex. Paul LaRochelle said he would respond back to Paul Monzione with the discussion that took place at this meeting.

Scott Williams asked that starting ZAC earlier in the year would be a good idea. John Dever thought that a list of potential topics could be distributed in April and perhaps June would be a good month to start. August was usually skipped for the summer. The committee determined that ZAC would start up in May of 2019 with a list of potential items and the list of things discussed tonight to be done next year distributed in April.

Loring Carr asked that the ZAC minutes be put on the town website. The committee agreed.

Tom Hoopes stated that the All in for Alton had come up with a couple of projects, one of which was setting up a website that would link to the school, town and other organizations to keep track of vacation schedules, meeting times and so on. It was noted that it should be fairly easy to add a link from the town website to a community website and that the IT director would be the person to contact about that.

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3. Approval of Minutes

Tom Hoopes MOVED to approve the minutes of November 13, 2018, as written. Paul LaRochelle seconded the motion and it PASSED unanimously.

The next meeting will be the public hearing with the Planning Board on Tuesday, December 18, 2018, at 6:00 p.m.

PUBLIC INPUT:

There were no members of the public present.

At 7:25 p.m. Tom Hoopes MOVED to adjourn. Paul LaRochelle seconded the motion and it PASSED unanimously.

Respectfully submitted,

Nic Strong
Town Planner

Minutes approved as submitted: June 19, 2019