

**TOWN OF ALTON  
ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES - APPROVED  
December 7, 2017, 6:00 P.M.**

**CALL TO ORDER**

Steve Miller called the meeting to order at 6:00 P.M.

**Board Members Present:**

Steve Miller, Chairman  
Paul LaRochelle, Vice Chairman  
Lou LaCourse, Clerk  
Tim Morgan, Member  
Frank Rich, Alternate

**Others Present:**

John Dever, III, Code Official

**APPOINTMENT OF ALTERNATES**

**Steve Miller moved to appoint Frank Rich to sit in as a full voting member, due to Paul Monzione being absent.**

**Paul LaRochelle seconded. Motion PASSED by a vote of (4-0-0).**

**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:**

**Steve Miller moved to accept the agenda as presented.**

**Lou LaCourse seconded. Motion PASSED by a vote of (5-0-0).**

**NEW APPLICATIONS:**

<b>Case #Z17-22 &amp; 23 Paul Simard, Agent for J. Marc Simard &amp; Monique Bellefleur</b>	<b>61 Butler Drive Map 49 Lot 42</b>	<b>Special Exception Lakeshore Residential (LR)</b>
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Two (2) Special Exceptions were requested to **Article 320, Sections A.4. & B.5.**, to permit the removal of a two-story, three-bedroom, lakefront residence and replace with a two-story, three-bedroom, residence within a modified footprint of the existing structure and slightly expanded.

Present were Tracey Sweeney, LLS, of J.E. Belanger Land Surveying, PLLC, Deidra Benjamin, CWS, of Stony Ridge Environmental, and Paul Simard, Agent.

**Lou LaCourse moved to accept applications #Z17-22 & 23 as complete.  
Tim Morgan seconded. Motion PASSED by a vote of (5-0-0).**

Tracey Sweeney, LLS, handed out some full size plans to the Board members. He stated that the property was approximately 1.06 acres in size, and currently existing on the property was a garage, a two-story building, and another two-story building with three bedrooms (964 s.f.), which was the building that was being torn down and replaced with a 1,265 s.f. building. Tracey Sweeney, LLS, shared that there was seasonal municipal water and an existing well on site. The amount of bedrooms would stay the same, but the size would be increased some to better utilize the property.

John Dever, III, pointed out that there would be a reduction in the encroachment into the 30' wetlands setback once the new structure was built. Steve Miller asked if any other alternatives were explored in order to have the structure outside of the setbacks. Tracey Sweeney, LLS, stated that he consulted with Chris Solomon, Architect for J.E. Belanger Land Surveying, PLLC, to come up with different scenarios, and none of them seemed to fit within the layout of the land.

Steve Miller inquired about the second structure on the property. Tracey Sweeney, LLS, stated that there was another two-bedroom cottage home. Steve Miller asked if they would be using it for a rental; Tracey Sweeney, LLS, stated, not at this time. Paul LaRochelle asked if they were planning to do any renovations or structural changes any time soon. Tracey Sweeney, LLS, stated that there had been some ongoing renovations, but the structure stayed with the footprint. Steve Miller pointed out that the septic system was for 6-bedrooms. He also noted that there was no water access to the garage.

Paul LaRochelle pointed out that the only access to this property was off Route 11. Tracey Sweeney, LLS, confirmed that, and in order to access the property, one would have to turn off Route 11 to take Butler Drive. At the end of Butler Drive was the second half of Keewaydin Drive, . There was no direct access from the first half of Keewaydin Drive to Butler Drive using a vehicle, because there was a brook running across Keewaydin Drive with only a small foot bridge.

Tim Morgan asked if the applicant had seen the email, dated December 5, 2017, from Steven Perkins, who was an abutter that owned the property where the right-of-way, Butler Drive, was located on. Tracey Sweeney, LLS, stated that he saw the email, in which Mr. Perkins had concerns about heavy equipment running on the dirt road throughout the course of construction. Tracey Sweeney, LLS, stated that Paul Simard had a conversation with Mr. Perkins and what was discussed was, if there were degradation to the road, they would repair it.

Lou LaCourse asked if there would be a change in occupancy from seasonal to year-round. Paul Simard stated at this point in time, the occupancy would stay seasonal.

Steve Miller opened public input. No public input. Steve Miller closed public input.

Steve Miller moved the Board onto the worksheet.

Tim Morgan suggested reviewing the criteria simultaneously for Cases #Z17-22 & 23, because the criteria would be the same for each Special Exception. All Board Members agreed.

Frank Rich stated that a plat **has been** submitted in accordance with the appropriate criteria in Article 500, Section 520B.

All Board Members agreed.

Paul LaRochelle stated that the specific site **is** an appropriate location for the use. He stated that this project was going to stay a residential home and stay within the guidelines of the State and the Town, and believed it was an appropriate location.

All Board Members agreed.

Tim Morgan stated that factual evidence **is not** found that the property values in the district would be reduced due to incompatible land uses. He agreed with Paul LaRochelle that it was a residential area and would be an improvement.

All Board Members agreed.

Steve Miller stated there **is no** valid objection from abutters based on demonstrable fact. He stated that there was an email from an abutter, Steven Perkins, whom had concerns about the road, but that concern was resolved during discussion at this hearing.

All Board Members agreed.

Lou LaCourse stated that 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. He stated that as previously mentioned during the hearing, there was an existing building that was going to be rebuilt and expanded, and there was no change to the right-of-way, or driveway.

All Board Members agreed.

Frank Rich stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure as stipulated. He stated that the property was seasonal and adequate and appropriate facilities were already there. Steve Miller stated that the septic tank was for six bedrooms, which was adequate for both houses, and there was a well on the property along with seasonal municipal water.

All Board Members agreed.

Paul LaRochelle stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated that the State had approved a six bedroom septic system with adequate water on site.

All Board Members agreed.

Tim Morgan stated that the proposed use or structure **is** consistent with the spirit of the ordinance, and the intent of the Master Plan. He stated that the ordinance specifically addressed this type of situation, where a building was taken down and one replaced in kind. Steve Miller stated that this property was located in the Lakeshore Residential zone and everything that he heard at this hearing was within the guidelines of the Master Plan.

All Board Members agreed.

**Tim Morgan moved to grant both Special Exceptions for Cases #Z17-22 and Z17-23, with the condition that the access road was to be maintained in good, satisfactory and safe condition during and after construction.**

**Frank Rich seconded. Motion PASSED by a vote of (5-0-0).**

## **OTHER BUSINESS**

1. Previous Business: Second reading of the Town of Alton's ZBA By-Laws and the Application of Appeal, draft dated December 5, 2017, and the Application for Extension of Decision, draft dated September 1, 2017.

Steve Miller mentioned for the record that there were no public members in attendance at this time. Furthermore, he also stated that Reuben Wentworth, Selectmen's Representative, was unable to attend tonight's meeting.

Steve Miller referenced "**Section 5. Officers, 5.3**", and wanted to make known that he was officially delegating the clerk's duties to the Zoning Board of Adjustment Secretary, as stated in the By-Laws.

Steve Miller wanted to add to "**Section 8. Records**", first paragraph, "and the Code Official". The sentence will now read, "The records of the Board shall be kept by the Town Clerk with assistance from the Planning Department staff and the Code Official, and shall be made available for public inspection in the Town Clerk's Office, located in Town Hall."

Frank Rich wanted to address "**Section 4. Membership, 4.3**", and questioned whether he would have to fill out an application to become an alternate every three years. John Dever, III, stated that he would not have to, that it was the up to the Board to elect him again if they so chose to. Lou LaCourse brought up the fact that this section currently stated that, "The ZBA shall appoint five (5) alternate members to the ZBA,..." and suggested changing it to "may" instead of "shall". The Board suggested pulling the wording from the RSA. Section "**4.3**" will now read, "An elected ZBA may appoint five (5) alternate members for a term of 3 years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II."

The Board agreed with the changes to the By-Laws, and will officially vote to adopt the changes at the next meeting on January 4, 2018, which would be the third reading.

2. New Business: 2018 Meeting Schedule

John Dever, III, stated that the schedule was simplified this year and did not include the columns entitled "Newspaper Notice", and "Post Agenda", because those dates really did not apply to the Board directly and were more for administrative purposes. He also pointed out that the "Meeting dates" column was put first to make it easier to read. Steve Miller asked where the notices got posted in Town; John Dever, III, stated at the post office and the Laconia Daily Sun, along with it being added to the calendar on the Town's website. Paul LaRochelle asked if the elected officials sitting on each Board got posted; Lou LaCourse stated that the Board members are listed on the Town's website.

3. Approval of Meeting Minutes: November 2, 2017

The Board pointed out that the date in the heading on page one needed to be changed from "September 7, 2017", to "November 2, 2017". Paul LaRochelle wanted to clarify what he stated on page 2, under the section, "Open for public to speak in Favor" should state in the last sentence of that paragraph, "...and the vents in the ground are mostly for releasing very little, if any gas."

**Lou LaCourse moved to approve the minutes of November 2, 2017, as amended.  
Frank Rich seconded. Motion PASSED by a vote of (5-0-0).**

4. Correspondence: None.

**DISCUSSION:**

Steve Miller stated that he had not had a chance to see the budget yet and asked if there was enough money in the budget to pay Jessica A. Call to do the minutes. John Dever, III, stated that she was going to do them temporarily until they could get someone permanent. Steve Miller asked how much that position paid; John Dever, III, thought it was around \$15-\$16 per hour, and mentioned that he was either going to advertise or work out some compromise with the Planning Department staff. Lou LaCourse thought that if Jessica A. Call did the minutes, wouldn't that just be part of her work in the Planning Department. John Dever, III, stated that when she did minutes for the Planning Board, that task was part of her duties as Planning Department Secretary, but when she did the minutes for the ZBA, because that task was not part of her regular duties, a portion of her pay came out of the ZBA budget.

**ADJOURNMENT**

**At 6:45 P.M., Frank Rich moved to adjourn.  
Paul LaRochelle seconded. Motion PASSED by a vote of (5-0-0).**

Respectfully submitted,

Jessica A. Call  
Recording Secretary

Minutes approved as presented: February 1, 2018