

**APPLICATION FOR A VARIANCE**  
**TOWN OF CENTER HARBOR - ZONING BOARD OF ADJUSTMENT**

Name of Applicant: Garrett M Wein

Owner: Garrett M Wein

(If different from applicant)

Physical Address: 10 Mayo Shores Lane (pvt)

Mailing Address if different: 53 London Bridge Road

Email: garrettwein@gmail.net Phone: 781-223-6932

Map 104 Lot: 016

Town Office Section Only
Case No. <u>2023.04.10-A</u>
Date Filed: <u>4/10/23-CK1448</u>
Received By: <u>Jmal</u>

**\*\*Note: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate. According to the Center Harbor Zoning Board of Adjustment By-Laws, Section 6 (b), the application shall be read into the record by the applicant, applicant's designee or clerk \*\***

A variance is requested from article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance to permit Article 5:3:1 and 5:11:2  
SEE ATTACHED

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:  
SEE ATTACHED

2. If the variance were granted, the spirit of the ordinance would be observed because:  
SEE ATTACHED

3. Granting the variance would do substantial justice because:  
SEE ATTACHED

4. If the variance were granted, the values of the surrounding properties would not be diminished because:  
SEE ATTACHED

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5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

SEE ATTACHED

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and:

ii. The proposed use is a reasonable one because:

SEE ATTACHED

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B. Explain how, if the criteria in subparagraph (A) are not established, and unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

SEE ATTACHED

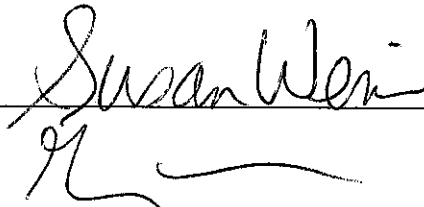
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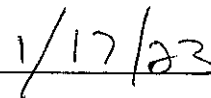
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Applicant Signature:



Date:



**Center Harbor Zoning Board of Adjustment**  
**Municipal Building**  
**PO Box 140**  
**36 Main Street**  
**Center Harbor, NH 03223**  
**603.253.4561**  
**planningzoning@centerharbornh.org**

#### **APPLICATION FOR A VARIANCE**

Name of Applicant/Owners Agent: Wes Hays-Northstar Contractors, llc  
Owner: Garrett M Wein  
Physical Address: 10 Mayo Shores Lane (pvt)  
Mailing Address: 53 London Bridge Road, Windham NH 03087  
Email: Garrett- garrettwein@gmail.com Wes- wes.northstar@gmail.com, whays@northstarnh.com  
Phone: Garrett- 781.223.6932 Wes- 603.229.9561  
Map/Lot: 104/016  
Zone: agricultural/rural

#### **NARRATIVE:**

A Variance is requested from Article 5:3:1, Structure Setbacks and Article 5:11:2, Non-Conforming Structures, of the zoning ordinance to permit an existing non-conforming structure to be removed and be replaced with a new less non-conforming home. The new structure will meet current side setbacks. The new structure will be less non-conforming than the current structure at the water front setback reference line.

In support of this application, the Applicant states as follows:

#### **BACKGROUND:**

The Owner of the property, Garrett M Wein, is seeking to remove the camp, built in 1923, in close proximity to the lake, 52 square feet of area over the 50' lake State of NH reference line, and replace it with a new home further back from the lake and landward of the 50' State of NH lake reference line. The existing camp is currently 833 square feet past the Town of Center Harbor's 75' lake reference line. The lot is particularly challenging in that there is a private driveway easement thru the property used for access by the neighboring properties, additionally there is a utility line right-of-way that disallows any options to shift the building further landward on the usable land area. The placement of the new home therefore is pushed at both the land and lake directions by restrictions and requirements that are not changeable. The proposed location of the new home takes into consideration these restrictions while also allowing a location for a new septic system, further away from the lake. The existing camp meets the current zoning side and rear setbacks, while not meeting the 75' Town of Center Harbor lake front set back. The proposed home will meet all side setbacks, and the State of NH 50' lake setback, however, not the Town of Center Harbor 75' lake setback requirement, for which we seek this Variance. The proposed new home will be reducing the non-conforming area by 65 net square feet. The proposed home as shown in the supporting documents shifts a major portion of living space away from the lake, while replacing some of the current

living space with a covered patio reducing overall the area approaching the lake. The proposed home would enable the Owner and his family to use the new camp with ease for many more generations.

Supporting documents include the following:

1. Existing and Proposed SHORELAND PROTECTION PLAN by Carl Johnson
2. Proposed new septic plan, by WM Evans Engineering, llc.
3. Letter of building permit denial from the Town of Center Harbor Building Department.
4. Proposed floor plans and exterior elevations by Claire Wilkens, Architect, pllc.

FACTS SUPPORTING THIS REQUEST in accordance with RSA 674:331 (b)

**1. Granting this variance would not be contrary to the public interest because:**

The proposed home will not be contrary to the public interest because, by allowing the encroachment into the setback and recognizing the existing camp is more non-conforming than the proposed, for the purpose of enabling continued safe and future use of the property, would not alter the essential character of the neighborhood. Granting the variance would not threaten public health, safety, or welfare of the neighborhood or community as the proposed encroachment is in the only possible location, given the challenges of the lot restrictions. The proposed variance would not have a negative effect on the public interest.

**2. If the variance were granted, the spirit of the ordinance would be observed because:**

The existing camp was built before the zoning ordinance was written. The proposed plan would keep intact the use of the property while preserving and better maintaining water quality by locating the proposed home more landward from the 50' water setback line, and reducing the net square footage area between the 50' and 75' lake reference line by 65 square feet. The proposed encroachments into the setback would not alter the essential character as the driveway easement and utility line right-of-way already are very near to the existing camp.

The proposed variance does not violate the basic objectives of the Center Harbor Zoning Ordinance as there is a pre-existing structure within the setback. Given the reduction of the net encroachment, the shift away from the lake to meet the state of NH 50' setback, and the fact that this proposed home is otherwise in compliance with the setbacks, there would be no alteration of the basic character of the neighborhood by the granting of the variance. Approval of this application would enable the Owners to continue their use of the new camp for many generations to come.

**3. Granting of the variance would do substantial justice because:**

Granting of the variance would allow the property Owner to significantly upgrade the old camp to allow a cleaner, safer, more pleasing connection to the neighborhood. The proposed project meets all the other setback criteria within the regulations of the allowable building zoning ordinance. The granting of the variance would allow the proposed home to be moved landward slightly, thus reducing the impact to the lake, while maintaining all other setback requirements. The granting of the variance would also allow for continued use and improvements to the property as was intended by the Zoning Ordinance.

**4. If the variance were granted, the values of the surrounding properties would not be diminished because:**

Granting the variance in this situation would enable the Owners to increase the property value of this property, and those of the surrounding homes. The requested variance would not negatively impact any of the surrounding properties because the replacement of the existing camp will be a substantial improvement. The new construction will raise the tax base and it will improve the aesthetic of the neighborhood. It will also enable the property to continue to be used as it was intended.

**5. Unnecessary Hardship**

**A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**

**i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision because:**

The property is an existing lot of record, with an established use. The ordinance itself creates the hardship. Upon adoption of the ordinance, the property became non-conforming. The property has several special conditions including the existing utility right-of-way and the existing private drive easement, as well as the Town of Center Harbor's 75' lake setback. In addition to these restrictions, there is also a portion of the property that is designated as wet soil, and therefore not with the ability to support shifting of the required approved septic system location and the driveway right of way. Together, with the 75' lake setback requirements all of these items interfere with the reasonable use of the property and the permitted use of the property and a denial of the variance to the 75' setback requirement would result in unnecessary hardship.

And

ii. **The proposed use is a reasonable one because:**

the proposed project continues the pre-existing use of the property and enables the proposed impact conditions to be less non-conforming.

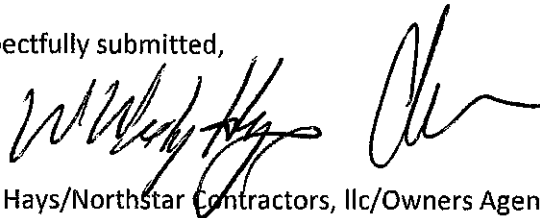
**B. Explain how, if the criteria in subparagraph (A) are not established, and unnecessary hardship will be deemed to exist if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

This property is located in the Agricultural/Rural zone. The purpose of the Rural Zone includes residential use. The current and proposed use of the property is residential. The existing camp, built in 1923, is in need of change and upgrades to meet the current standards of living and code requirements. The property has many unique features that make building anywhere else on the property impossible, and these variances will therefore enable the Owner to make reasonable use of the property. The location of the easement, right-of-way and the other land features such as the soil conditions and the location of the new septic system make it impossible to make the proposed home in conformance with the zoning ordinance. The proposed location of the home is the only location that is feasible. The general purpose of the ordinance is to ensure that the development occurs in reasonable locations that protect the safety of the public. In this case the layout of the existing lot and features limit any other possibility and this proposed variance would not add to any existing conditions.

The character and integrity of the neighborhood will not be negatively impacted. The location of the Owners property and its characteristics support the reasonableness of this proposal and the required variance.

For the above reasons, the Applicant and Owner believe the Center Harbor Zoning Board of Adjustment should grant the variance from Article 5:3:1 and Article 5:11:2 of the Center Harbor Zoning Ordinance.

Respectfully submitted,



Wes Hays/Northstar Contractors, llc/Owners Agent  
Claire Wilkens, Architect, pllc/Owners Agent



The State of New Hampshire  
**Department of Environmental Services**



Robert R. Scott, Commissioner

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**SHORELAND IMPACT PERMIT 2023-00503**

**NOTE CONDITIONS**

**PERMITTEE:** GARRETT W WEIN  
53 LONDON BRIDGE RD  
WINDHAM NH 03087

**PROJECT LOCATION:** 10 MAYO SHORES RD, CENTER HARBOR  
TAX MAP #104, LOT #16

**WATERBODY:** WAUKEWAN LAKE

**APPROVAL DATE:** MARCH 28, 2023      **EXPIRATION DATE:** MARCH 28, 2028

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Shoreland Permit Application 2023-00503 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

**PERMIT DESCRIPTION:**

Impact 13,441 square feet of protected shoreland in order to remove a primary structure, construct a primary structure, driveway and a garage.

**Impervious Surface Percentage Approved:** 15.94%

**Natural Woodland Area Required per RSA 483-B:9, V, (b):** 3,290 square feet

**THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):**

1. All work shall be in accordance with plans by Carol Johnson Jr. dated December 16, 2022 and received by the New Hampshire Department of Environmental Services (NHDES) on March 03, 2023 pursuant to Env-Wq 1406.15(f).
2. The proposed septic system shall not be constructed until the system is approved by the NHDES Subsurface Systems Bureau as required pursuant to RSA 483-B:6, I(c).
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
4. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I(b).
5. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

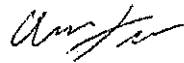
**THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:**

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700, and the requirements in Env-Wq 1404.01(a) and(b).
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



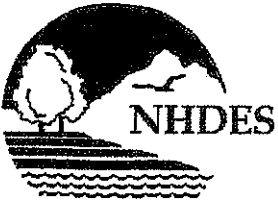
Alexander Feuti  
Shoreland/Shoreline Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division

**THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE PARTIES BELOW (Env-Wq 1406.21(c))**

\_\_\_\_\_  
PERMITTEE SIGNATURE (required)

\_\_\_\_\_  
PRINCIPAL CONTRACTOR SIGNATURE (required, if any)





The State of New Hampshire  
Department of Environmental Services



Robert R. Scott, Commissioner

APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM APPROVAL  
OWNER CERTIFICATION

Application Work # 202300627

Document Prepared: 2/17/2023

Property Owner: GARRETT M. WEIN  
53 LONDON BRIDGE ROAD  
WINDHAM NH 03087

Property Address: 10 MAYO SHORES LANE  
CENTER HARBOR, NH

THE STATEMENT BELOW MUST BE SIGNED AND DATED BY THE OWNER

Pursuant to Env-Wq 1003.08, I certify that I am the present owner of the property referenced in this application and that I have seen the plans, and I hereby confirm that the plans are in accordance with my needs and desires. I fully understand that should this plan be approved, no waivers to the construction approval will be allowed and that any change(s) will require a new submission, review, and approval.

 — 2/23/23  
Owner's Signature Date

TOWN OF CENTER HARBOR  
LOCAL APPROVAL FOR CONSTRUCTION OF  
AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM

WORK NUMBER: 202300827

I. PROPERTY INFORMATION

Address: 10 MAYO SHORES LANE  
CENTER HARBOR NH 03226  
Subdivision Approval No.: PRE-1987  
Subdivision Name: N/A  
County: BELKNAP  
Tax Map/Lot No.: 104/16

II. OWNER INFORMATION

Name: GARRETT M. WEIN  
Address: 53 LONDON BRIDGE ROAD  
WINDHAM NH 03087

III. APPLICANT INFORMATION

Name: WILLIAM E EVANS  
Address: 194 WOODHILL HOOKSETT RD  
BOW NH 03304

IV. DESIGNER INFORMATION

Name: WILLIAM E EVANS  
Address: 194 WOODHILL HOOKSETT RD  
BOW NH 03304  
Permit No.: 00863

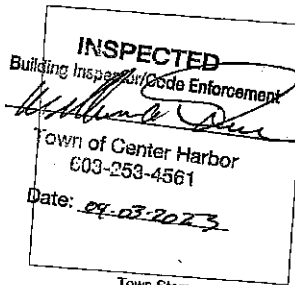
In accordance with RSA 485-A:32, IIa, the Town of Center Harbor grants local approval to construct the Individual Sewage Disposal system described above and in an application and plans dated Feb 17<sup>th</sup>, 2023

  
Signature

Loche Enforcements  
Title

04-03-2023  
Date

- OR -



Town Stamp





# 50 foot Abutment List Report

Center Harbor, NH  
November 02, 2022

## Subject Property:

Parcel Number: 104-016-000  
CAMA Number: 104-016-000  
Property Address: 10 MAYO SHORES LANE (PVT)

Mailing Address: WEIN, GARRETT M.  
53 LONDON BRIDGE ROAD  
WINDHAM, NH 03087

---

## Abutters:

Parcel Number: 104-015-000  
CAMA Number: 104-015-000  
Property Address: 14 MAYO SHORES LANE (PVT)

Mailing Address: BRATT, STEVEN A. & BETTY L TRUST.  
DATED 10/9/1998  
6 CATALPA ROAD  
SALEM, NH 03079

Parcel Number: 104-017-000  
CAMA Number: 104-017-000  
Property Address: 2 MAYO SHORES LANE (PVT)

Mailing Address: SPAULDING, WALTER C & IRENE M-CO-  
TTE'S  
SPAULDING  
2 MAYO SHORES LANE  
CENTER HARBOR, NH 03226

Parcel Number: 104-019-000  
CAMA Number: 104-019-000  
Property Address: 446 WAUKEWAN ROAD

Mailing Address: EARL 2018 FAMILY TRUST  
EARL, GEORGE F. & MARY L.  
446 WAUKEWAN ROAD  
CENTER HARBOR, NH 03226


Garrett and Susan Wein  
53 London Bridge Road  
Windham, NH 03087

January 9, 2023

To Whom It May Concern:

We own a seasonal property at 10 Mayo Shores Lane in Center Harbor and have plans to tear it down and rebuild a year round home. We have hired Northstar Contractors of New Hampton to do the work, and Claire Wilkens as our architect. We give permission for Wes Hays or Claire Wilkens to be representing us as our agent at the necessary meetings that are required by the town of Center Harbor.

Regards,

A handwritten signature in cursive script that reads "Susan Wein". The signature is written in black ink and includes a long, sweeping horizontal flourish at the bottom.

Garrett and Susan Wein



# Abutters Map

Center Harbor, NH

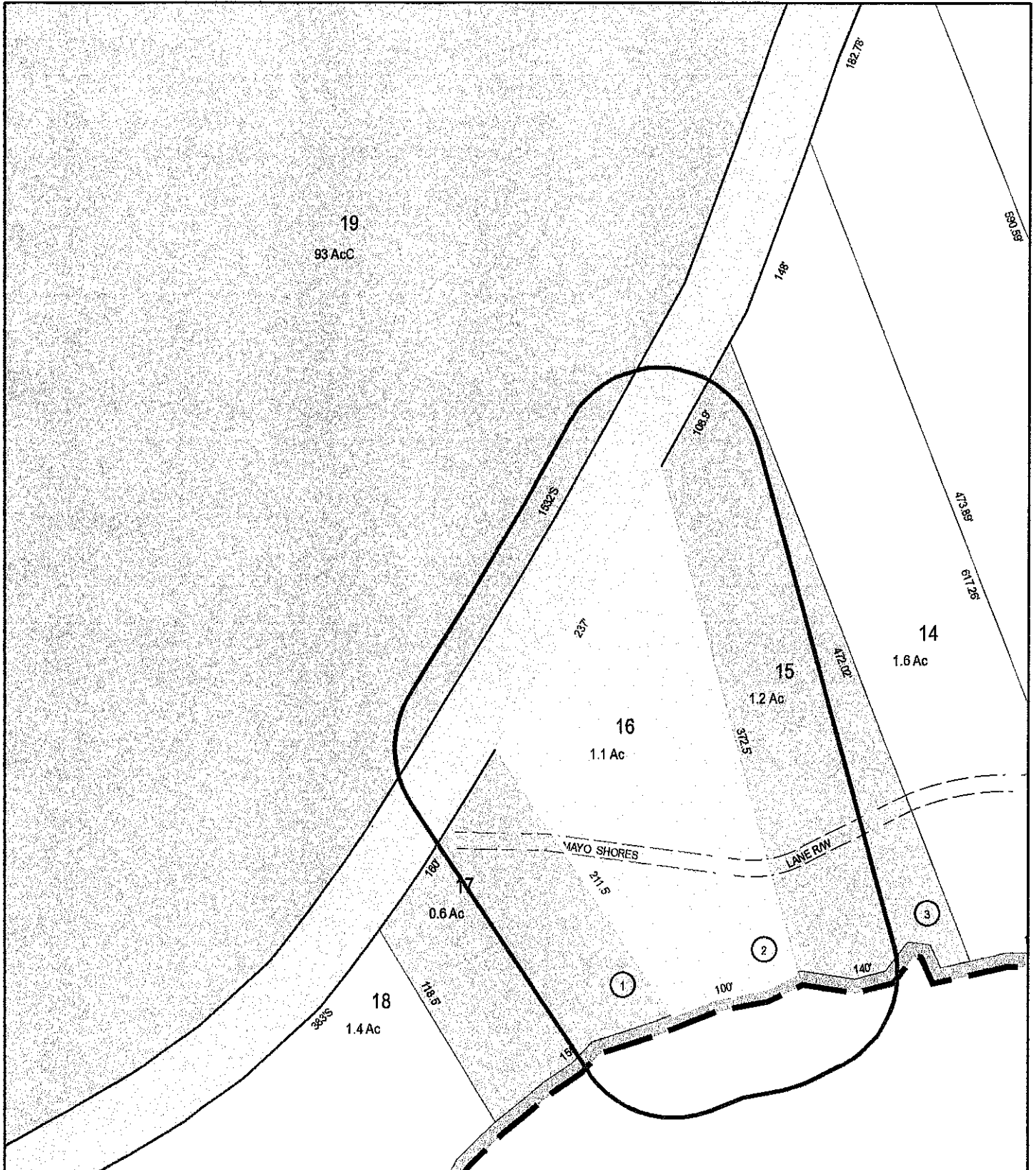
1 inch = 100 Feet



September 6, 2022

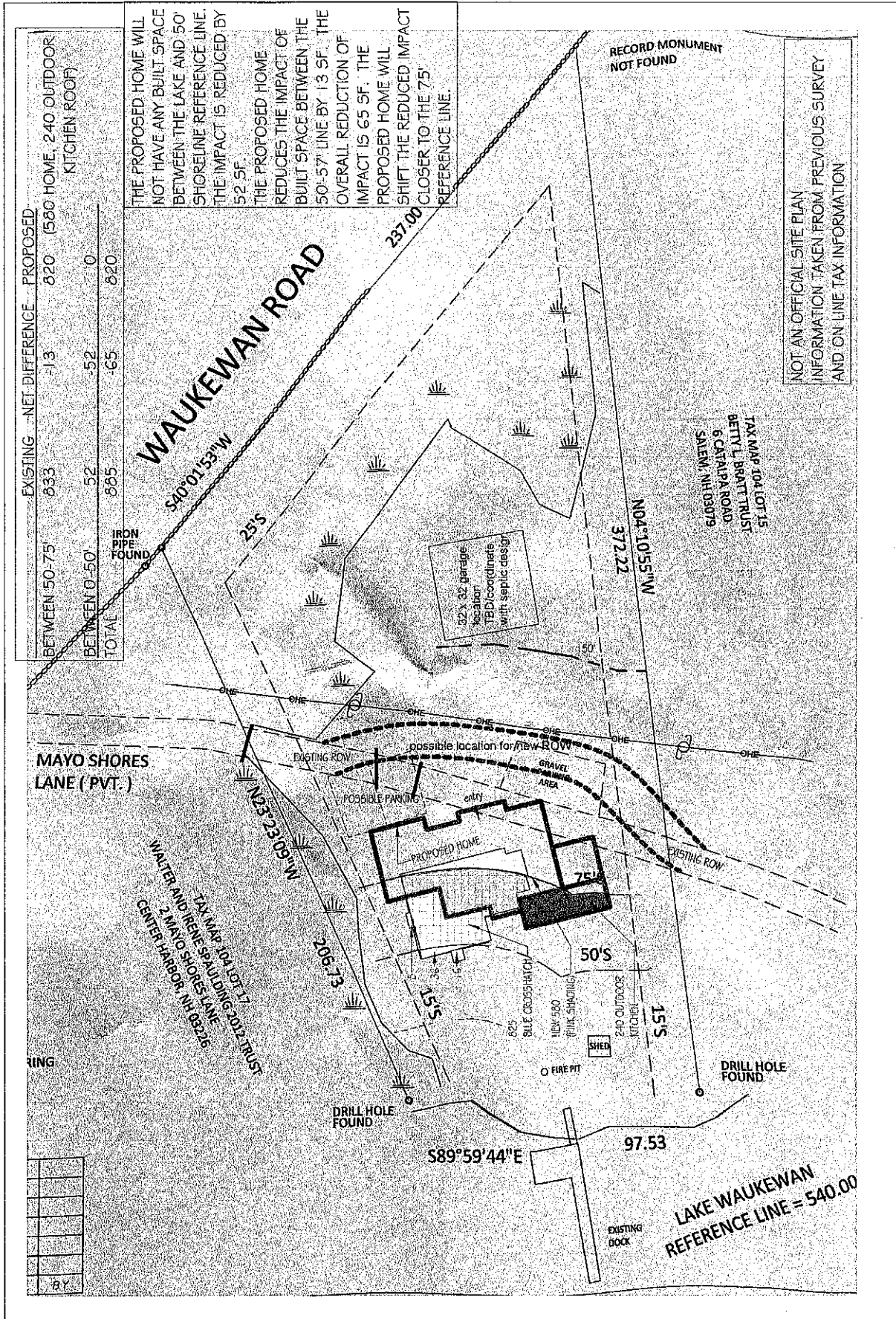


www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**WEIN RESIDENCE**



THE PROPOSED HOME WILL NOT HAVE ANY BUILT SPACE BETWEEN THE LAKE AND 50' SHORELINE REFERENCE LINE. THE IMPACT IS REDUCED BY 52 SF. THE PROPOSED HOME REDUCES THE IMPACT OF BUILT SPACE BETWEEN THE 50'-57' LINE BY 13 SF. THE OVERALL REDUCTION OF IMPACT IS 65 SF. THE PROPOSED HOME WILL SHIFT THE REDUCED IMPACT CLOSER TO THE 75' REFERENCE LINE.

NOT AN OFFICIAL SITE PLAN INFORMATION TAKEN FROM PREVIOUS SURVEY AND ON-LINE TAX INFORMATION

BY	

**Miaszek  
Turpin  
P L L C**

One Mill River  
Jacobs, New Hampshire  
03224  
(603) 527-1617  
(603) 527-1618  
miaszakturpin.com

Center Harbor, NH

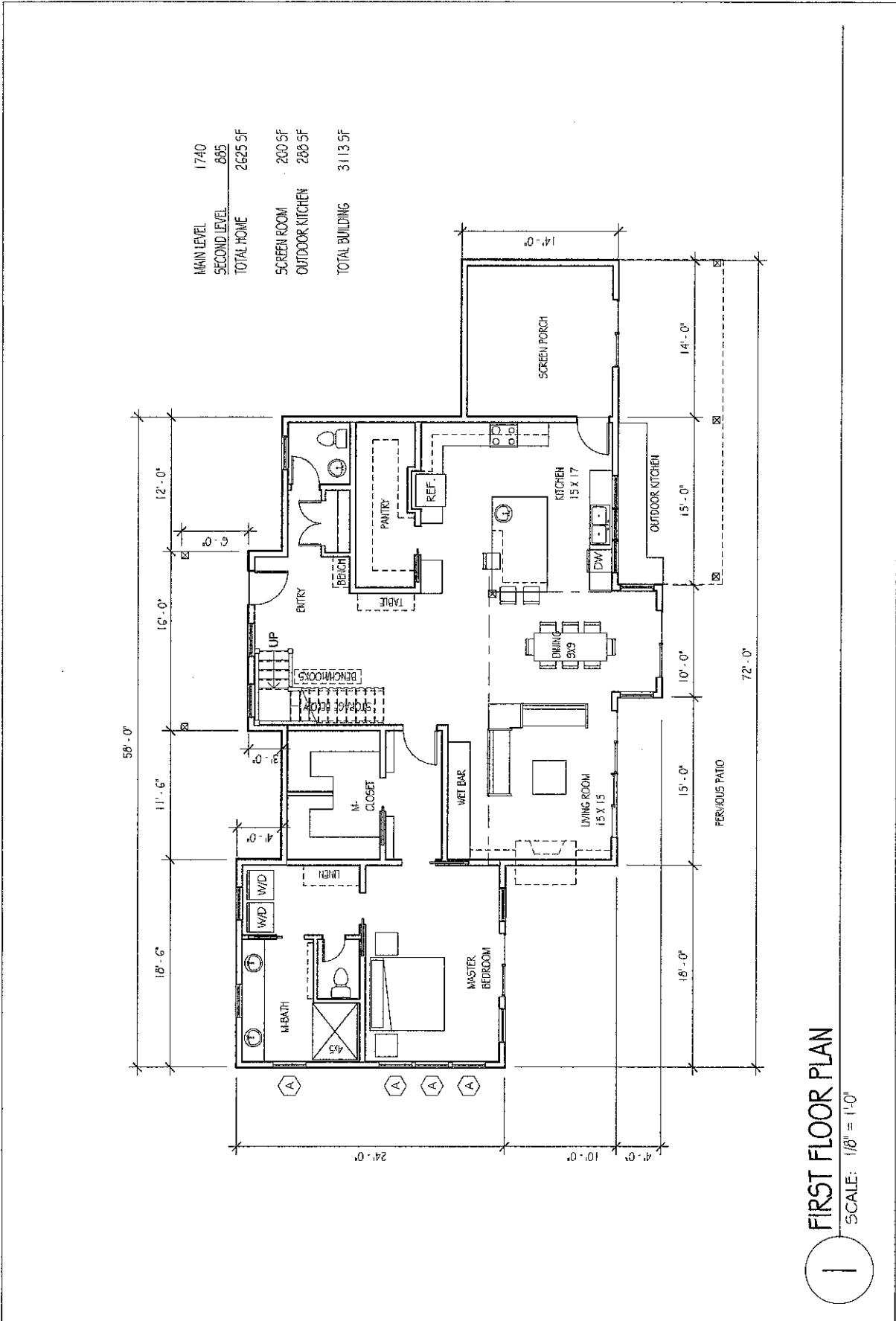
**WEIN RESIDENCE**

DATE: 10/20/2022  
JOB: WEIN RESIDENCE  
DRAWN BY: MTC  
CHECKED BY: MTC

First Floor Plan

DATE: 10/20/2022  
JOB: WEIN RESIDENCE  
DRAWN BY: MTC  
CHECKED BY: MTC

**A1**



**1** FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



**Misiaszek  
Turpin  
P l l c**

One Mill Three  
Laconia, New Hampshire  
03321-4066  
Tel: 603.527.1617  
Fax: 603.527.1618  
misiaszekturpin.com

Center Harbor, NH

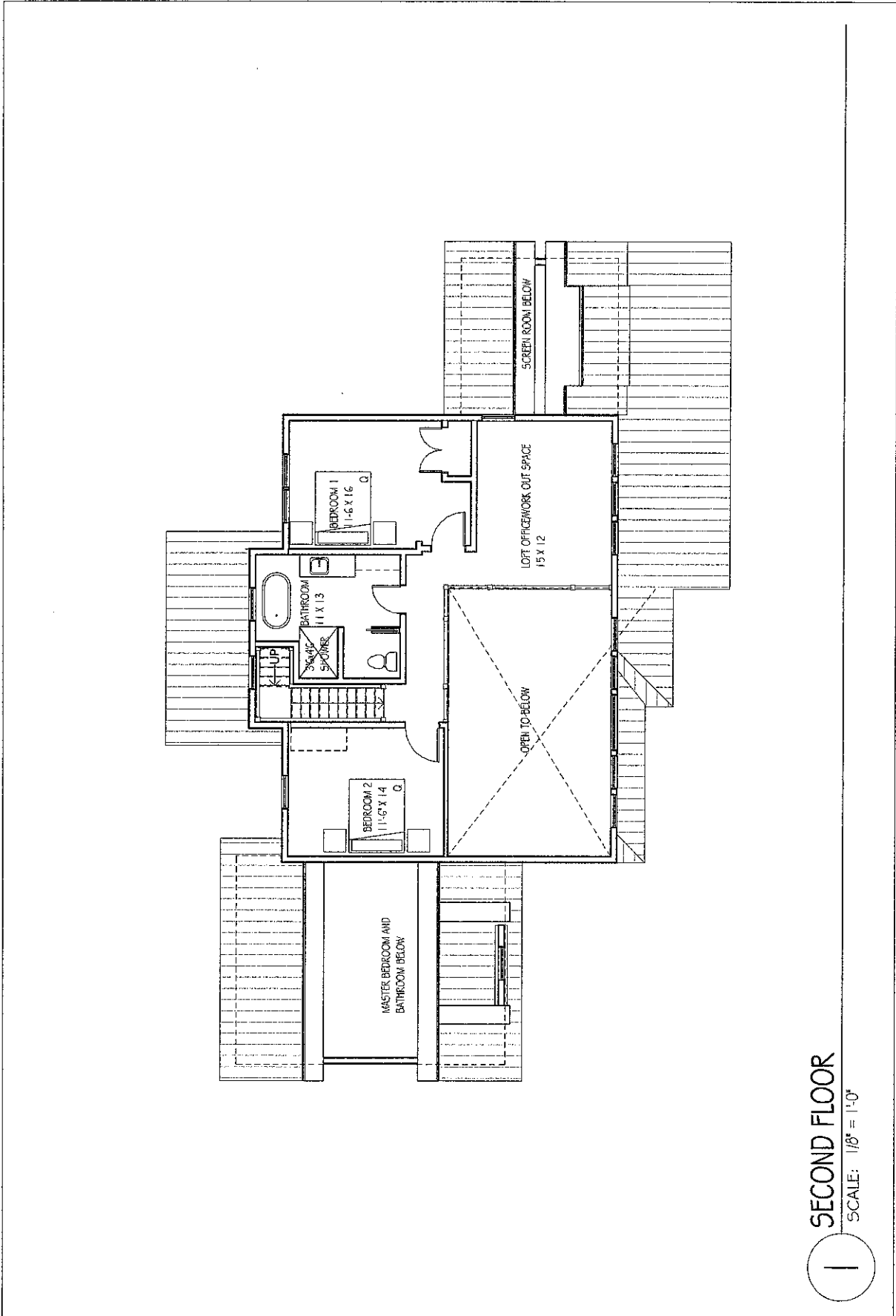
**WEIN RESIDENCE**

NO. 202  
CONTRACT NO. 1515-231, TURPIN, PLLC  
DATE: 08/01/15  
PROJECT NUMBER: 2022

Second Floor Plan

DATE: 08/01/15  
SCALE: 1/8" = 1'-0"  
DRAWN BY: JLP  
PROJECT NUMBER: 2022

**A2**



**1 SECOND FLOOR**  
SCALE: 1/8" = 1'-0"



**Misiaszek  
Turpin  
P L L C**

One Mill Place  
Laconia, New Hampshire  
03055-2274  
(603) 603-5277  
misiaszekturpin.com

Center Harbor, NH

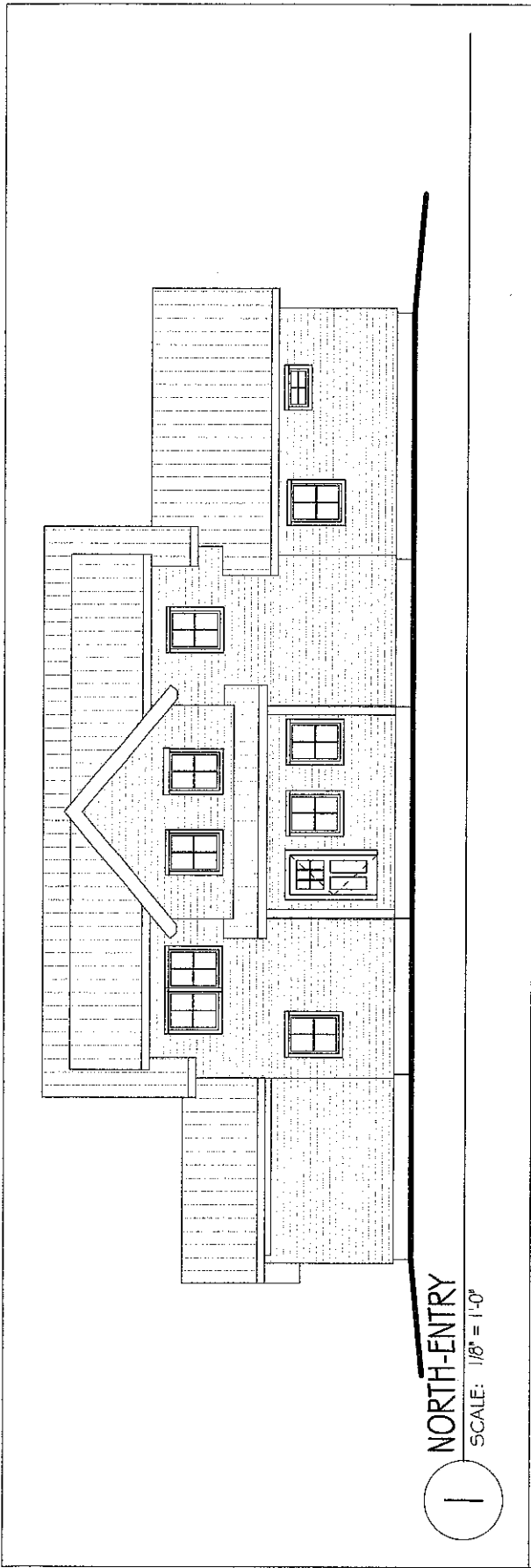
**WEIN RESIDENCE**

PROJECT  
MISIASZKA TURPIN, LLC  
DATE: 10/20/2010

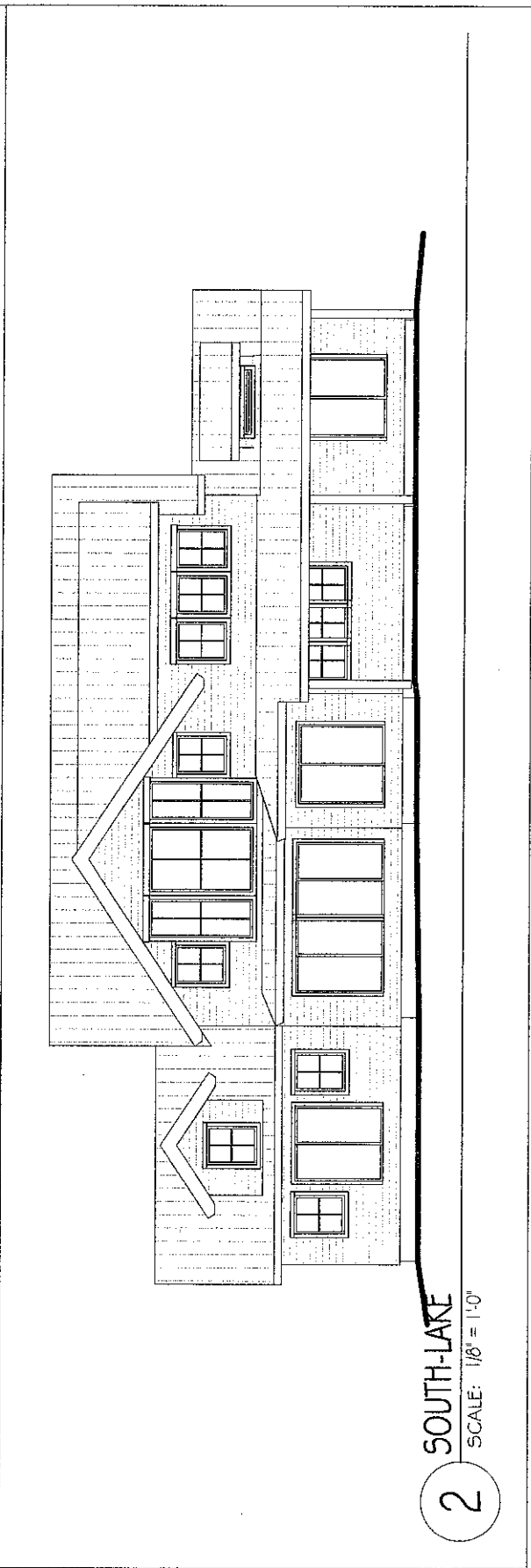
Exterior Elevations

DATE: 10/20/2010  
SCALE: 1/8" = 1'-0"  
DRAWN BY: [Name]  
PROJECT NUMBER: 2002

**A3**



**1 NORTH-ENTRY**  
SCALE: 1/8" = 1'-0"



**2 SOUTH-LAKE**  
SCALE: 1/8" = 1'-0"