

APPLICATION FOR SPECIAL EXCEPTION
TOWN OF CENTER HARBOR - ZONING BOARD OF ADJUSTMENT

Name of Applicant: Gary N. & Amy E. Mellinger
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Map 222 Lot: 012

Town Office Section Only	
Case No.	_____
Date Filed:	_____
Received By:	_____

****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 ******

Description of proposed use showing justification for a special exception as specified in the zoning ordinance, article 7 section 10 and article 4:2 Section 10

10:7 Special Exceptions

Special Exceptions shall be administered by the Zoning Board of Adjustment in accordance with Section 8:1:1. Table 2 defines the uses allowable by Special Exception.

Table 2: Uses Permitted by Special Exception

Protective Buffers (Section 10:4:2)

In addition to the above uses:

g. The undertaking of a use otherwise not permitted within a Protective Buffer, provided it can be shown that such proposed use is consistent with the intent of the provisions of Section 10:2 Purpose and Intent.

In granting a Special Exception, the Zoning Board of Adjustment must determine that each of the following conditions has been met:

a. The proposal is consistent with Section 10:2 Purpose and Intent and with all applicable State of New Hampshire regulations including applicable Best Management Practices as referenced in Section 10:6:1; and

See below for statements regarding Section 10:2

b. Alternative proposals have been considered, and that the submitted proposal represents the minimum amount of reasonable, unavoidable environmental impact to the water resource and/or associated buffer areas; and

If the proposed location of the garage was to be shifted forward and reside directly to the left of the front porch, the majority of the garage would still be within the non-designated wetland buffer. It would also increase the cost to the existing structure by having the window and hydronic heating baseboard in the bedroom to the side wall, and build a wall where the window and hot water heating baseboard was. As well as, re-venting the ensuite bathroom due to the closure of that window.

If the proposed garage were to be shifted to the other side of the house and displace the right side of the front porch it would reside within 25 feet of the private wellhead. It would also restrict access to the well, septic tank, propane, and heating oil tanks.

c. Environmental impacts to abutting or downstream properties and natural resources have been considered and minimized, and the proposed use will not create a hazard to public health or safety; and

Attached is a letter from Luke Powell, Certified Wetland Scientist #50, from Powell Asset Mapping, which states, "I wish to point out that there is no encroachments unto the wetlands on the property" and "The proposed garage location (as determined by the footing trench) does not impact the wetlands but is within the 50' wetland buffer." The proposed use is consistent with other structures in the community and does not pose any hazard to public health or safety.

d. The proposed construction and design shall include provisions for restoration of the disturbed site as closely as possible to its original grade and topography.

The original grade and topography of the proposed location impacts approximately 5 feet into the topography in the buffer zone. The grade in the buffer towards the non-designated wetlands has been made to be consistent with the original grade. (See the attached site plan with topography)

Explain how the proposal meets the special exception criteria as specified in article 2 section 10 of the zoning ordinance (list all criteria from the Town Ordinance)

10:2 Purpose and Intent The guiding principles for this ordinance are two-fold: First, to help landowners develop and use their property for their desired purpose while protecting the water resources that drive Center Harbor's economy and wellbeing. This will be achieved through clear, concise and simple common sense regulations based on sound environmental principles. Second, to establish a practical set of standard guidelines that ensure the town and citizens of Center Harbor maintain local control over their water resources. To achieve this, the following purposes and intents apply to this ordinance:

1) To prevent the degradation of surface and ground water quality;

A wetlands delineation analysis of the property was conducted (see attached letter) which states the following, "I wish to point out that there is no encroachments unto the wetlands on the property" and "The proposed garage location (as determined by the footing trench) does not impact the wetlands but is within the 50' wetland buffer."

2) To support water resources protection recommendations in the Center Harbor Master Plan and Natural Resource Inventory;

The proposed garage is approximately 16.2' from the non-designated wetlands and falls within the 50' buffer, as previously stated it does not impact the wetlands in the area.

3) To provide floodwater storage, groundwater recharge, and terrestrial retention of sediments, nutrients and other pollutants;

The proposed garage will have no effect on floodwater storage; will maintain groundwater recharge by maintaining the feeding of the prime wetlands to the back of the property along with supporting sediment and nutrient needs of the land.

4) To prevent the destruction of habitats for rare, threatened or endangered flora and fauna;

During the wetland analysis, it was determined that there was no rare, threatened, or endangerment to wildlife or vegetation to the property regarding the proposed location of the garage.

5) To prevent the development of structures and land uses in areas adjacent to surface and groundwater resources that could contribute to the degradation of water quality;

As stated by the Certified Wetland Scientist, "The proposed garage location (as determined by the footing trench) does not impact the wetlands but is within the 50' wetland buffer."

6) To preserve and enhance the aesthetic and recreational values associated with surface waters and wetlands;

The proposed garage will not impact the current state of the non-designated wetlands or the Prime wetlands to the back of the property and will preserve the values associated with those wetlands.

7) To protect fish and wildlife habitat, maintain ecological balances, and enhance the ecological values such as those cited in RSA 483-A:1; and

The non-designated wetlands on this property will continue to feed the Johnson-Perkins Wetland Complex without any impact; providing food and shelter for multiple species of wildlife and vegetation and maintain the ecological balances valued by the Town of Center Harbor.

8) Prevent unnecessary or excessive expenditures of municipal funds for the purposes of providing and/or maintaining essential service and utilities which might be required as a result of misuse or abuse of wetlands.

The proposed garage location is attached next to the existing residence. It will be located inline with the current gravel driveway and parking area. There is no need to increase expenditures to support this proposal.

Applicant Signature: Gary N Mellinger Date: 2/22/24