

TOWN OF CENTER HARBOR  
ZONING BOARD OF ADJUSTMENT  
Municipal Building

Monday, November 8, 2021  
7 p.m.

In attendance: Chair Bernie Volz, Members Karen Ponton and Stephany Marchut Lavallee. Alternate Members Gregory Hime and Timothy Nefores. Vice Chair Jean Meloney, Member George Lamprey and Alternate Anthony Avrutine not in attendance.

**Voting Members: Bernie Volz, Karen Ponton, Stephany Marchut Lavallee, Gregory Hime and Tim Nefores.**

Chair decides to move to item II on the agenda which is a request for a Variance for Jeffrey and Pamela Walsh and go back to the approval of minutes after the hearings.

**I. MINUTES:**

Approval of the September 13, 2021 minutes as corrected. Chair asks for a motion. Stephany Marchut Lavallee motions to accept the September 13, 2021 minutes as corrected. Seconded by Gregory Hime. All were in favor of approving the minutes.

**II. PUBLIC HEARING –VARIANCE 471 WAUKEWAN ROAD 105-004-001 JEFFREY AND PAMELA WALSH**

Chair provides rules of protocol to all of those in attendance, stating if there is dialogue with the Board it is to go through the Chair. Chair asks for the Clerk to announce the case.

**Clerk provides the following information to the Board:**

**ZBA Case 2021-1108**

This is an application for a **Variance** for property located at **471 Waukewan Road** identified under Map and lot numbers **105-004-001**. The Applicant is **Jeffrey & Pamela Walsh**

The original application was received via Mail by the Clerk on **October 6, 2021**.

The application cites **Section 5:11:3 of the Center Harbor Zoning Ordinances**. The applicant is requesting to **raise the existing structure to add a basement for additional living space**

Public notice was issued on **October 12, 2021**, postings at the Municipal Building, Post Office and on the ZBA page of the Town Website. Notice was also published in the Laconia Daily Sun on **October 27, 2021**. Abutters were notified via certified mail on **October 19, 2021**, all certified cards have been received back. No verbal responses to the application. One written response received by Martin and distributed to the Board.

**Jeff Walsh of 467 Waukewan Road primary residence 94 Mt. Vernon Road, Waltham MA.**

Jeff states they purchased the cottage almost a year ago, it was determined there were two lots of record. The town, through Town Attorney, researched the deeds and confirmed this lot was in-fact two lots of record. (105-004-000 is addressed as 469 Waukewan Rd and 105-004-001 is addressed as 471 Waukewan Road). The variance request is for the waterfront lot which is 471 Waukewan Road.

Applicant is requesting more living space by way of adding a full foundation. The rest of the house will be what is there now. Applicant would like to move into waterfront lot with family and retire here.

Applicant states if the variance is approved, they would keep both of the properties and use the cottage for family overflow. (applicant refers to the cottage as the house closest to the road not the waterfront

structure). Applicant states if they don't get the variance they will remain as cottages and most likely they would sell them separately. Applicant mentions the lot is very steep and they have an approval of a septic system from the State applicant also mentions he has the approval to demolish the waterfront house and rebuild on the same footprint. To add the septic system on this parcel it would add another 4' 6" to the grade and would put the house at a steeper slope unless the structure is able to be lifted.

**Jeff Walsh**, I know there is a lot of worry about how close the property line is. I work with local contractors like Peter Verrill, and he assured me in doing this work, he could put metal plates up along the property line. Also, containing the water is a similar issue by maintaining the pitch where the water comes down into my property and will continue to flow into that area. There are thoughts about putting a foundation under a cottage and dispersant of water but this cottage has a poured cement wall already.

**Gregory Hime**, how deep the cement wall goes into the ground.

**Jeff Walsh**, I don't know, I haven't explored that but he is not digging down to put in the foundation he would be starting at that level. Gregory Hime asks if Jeff Walsh owns the lot next door lot 3.1, Jeff confirms he does.

**Gregory Hime**, the lot in question was recently split into two lots.

**Jeff Walsh**, yes, we owned it at the time and realized it was two separate lots even though it's not our intention to have them as two separate lots, I have had medical issues in the past and thought it would be a good idea to have backup.

**Pamela Walsh, 467 Waukewan Road**, what we are trying to get across is that we only want to improve the property. Right now, this structure is not habitable years and years of no care. Going in to try and fix what is there doesn't make sense. We were able to save the 1920s cottage in the front (by the road) and were able to maintain what we feel is the historic charm. We are not looking to do anything crazy; we just want to make it more appealing to the environment, the surrounding areas etc. We plan to end our days here once our daughter goes to college.

**Stephany Marchut Lavallee**, so this would be a complete tear down?

**Pamela Walsh**, yes. So, razing the house yes, not raising.

**Stephany Marchut Lavallee**, ok because the first application (building permit) I see you just wanted to lift and now that is different.

**Pamela Walsh**, when I saw the notice and the spelling of the word "raise" I wondered if you thought it meant lifted and not demolished and to remove the entire structure is the idea.

**Chair Bernie Volz**, so you want to tear it down and rebuild with another floor and how much higher does the building become?

**Jeff Walsh**, probably 10' higher than what is existing so the flow of the house stays the same.

**Chair Bernie Volz**, what does that do to the views from the other house?

**Pamela Walsh**, the house in the back we raised that one up, we got a permit to put a foundation under it and lifted that up so that now that is more level with the road and it also gave us the ability to install the septic. The septic is the crucial part to this, these homes had failed systems. The view will be the same.

**Tim Nefores**, there is a maximum height you can go with a total build.

**Jeff Walsh**, we would be way under that. From the waterfront it's 40' but that's with the high-pitched roof but we can drop that down.

**Tim Nefores**, should be measured from the mean high-water level.

**Jeff Walsh**, we could definitely make an adjustment to the roof to make that work.

**Gregory Hime**, according to the material you supplied that height would be 39'6".

**Jeff Walsh**, yes but I can take the pitch of the roof and make it a lot less.

**Gregory Hime**, that looks to be approximately 4’.

**Code Enforcement Bill Doucette**, that picture is low grade to high, you have to take the average from the backside and height will not be an issue.

**Gregory Hime**, do you have copies of your permit from the State for the septic and the tear down?

**Jeff Walsh**, I don’t have them with me.

**Clerk asks to make clarification for the record:** The denied building permit that required action by the ZBA was for a raise and alteration of the existing cottage. I need that clarification made to Stephany’s point, that is the basis of the variance application.

**Tim Nefores**, the septic will be shared by both properties?

**Jeff Walsh**, no the front house has its own and the waterfront has its own. Both systems are 2-bedroom.

**Pamela Walsh**, there are two different septic systems there is not a single septic handling both homes.

**Chair Bernie Volz**, are these to be built or are they in process?

**Pamela Walsh**, we have approval but they are not built yet.

**Chair Bernie Volz**, they handle the sufficient number of bedrooms and you’re not adding bedrooms to the plans, correct?

**Jeff Walsh**, that is a 3-bedroom house currently.

**Gregory Hime**, do you have plans for the current house?

**Jeff Walsh**, I do I think you have them.

**Gregory Hime**, no the existing house plans foundation, pilings etc.? I’m trying to figure out how it exists now and how it’s changing. Square footage changes, foundation, footprint etc.

**Jeff and Pamela Walsh**, no. There is no foundation there are no pilings it’s just on rocks.  
(inaudible Board reviews septic plan)

**Gregory Hime**, as Tim mentioned how is the driveway going to be laid out relative to the septic system in the new proposed garage area?

**Jeff Walsh**, currently there is a gravel driveway that runs from the street to the red house, there will be a slight left turn to get into that garage and the septic system will be on its left. There will be a tank that will be a drive on tank.

**Chair Bernie Volz**, it seems like the leach field is far enough away from the water that there are no issues there? It looks like the plan says about 102’.

**Jeff Walsh**, correct.

**Gregory Hime**, how far away is that slope from the septic system to the house?

**Jeff Walsh**, my goal is it for not be a mound but level land.

**Tim Nefores**, these are both non-conforming lots.

**Chair Bernie Volz**, yes so there is not much room to work with based on how it was built back then.

**Tim Nefores**, when was the last time someone inhabited that house?

**Jeff Walsh**, maybe 3-4 times throughout the year and only day trips would be my guess.

The Chair asks the applicant to go through the application. Jeff Walsh goes through the five criteria contained in the variance application. The application will be entered in its entirety into the record.

**Gregory Hime**, what consideration is being made for water run off due to the change in topography are you relying on strict water percolation for water?

**Jeff Walsh**, the footprint is not changing so we are not adding any more run off, the roof is staying the same so I’m not adding anymore impervious area.

**Gregory Hime**, yes but you’re taking a steep lot and you’re leveling it.

**Jeff Walsh**, correct which would mean less run off.

**Chair Bernie Volz**, and they are doing that today because of the septic. The only change in terms of the water management for the house now is that the water can run through underneath but on the other hand it really can't because of that retaining wall so that's blocking the water flow and raising and lowering the house is not going to make any difference to the water flow because the same water is going to move around. The leach field they already have approval for so we were to deny this they are still going to do all of the other work because they already have the approval for that.

**Jeff Walsh**, correct.

**Karen Ponton**, do you have three levels, the basement level, the main level with the garage and then this level (showing the plan with the roof).

**Jeff Walsh**, yes because that is a full basement.

**Chair Bernie Volz**, but there is no change in the square footage?

**Jeff Walsh**, there is 10sf of change but it's manipulated differently, it's the exact same shape we are just adding the lift.

**Chair Bernie Volz**, the square footage change is basically due to the basement.

**Jeff Walsh**, yes.

**Chair Bernie Volz**, and you're saying the rest of it is 10sf more?

**Jeff Walsh**, yes, it's to square off the main floor.

**Chair Bernie Volz**, we should make a note of that since it is increase it's something that should have been on the application.

**Karen Ponton**, where is the floor plan with the part of the upper level?

**Jeff Walsh**, it's in the plan with the bonus room.

**Board reviews the plans submitted by the applicant to review the additional space.**

**Jeff Walsh**, keep in mind the sf is going to be manipulated due to the garage.

**Chair Bernie Volz**, that's an interesting point in that the ordinance says the total sf doesn't say living or non-living.

**Jeff Walsh**, ok then that would mean I would have to add whatever the garage is.

**Chair Bernie Volz**, according to the plan it would be 11.5 x 21.3.

**Tim Nefores**, according to the plan there is also a shed.

**Jeff Walsh**, that is what the previous owner used as a shower and I did not count that as living space. My goal is to tear that down and put one in there that is more conforming.

**Tim Nefores**, so this shed/shower is existing.

**Jeff Walsh**, yes.

**Chair Bernie Volz**, again the ordinance refers to total square footage.

**Jeff Walsh**, so the shed does count. So, if that is living space then that will help with my garage.

**Chair Bernie Volz**, so the shed is going or not?

**Jeff Walsh**, I would like to tear the shed down and make one more conforming on the lot.

**Chair asks for clarification on plan of the shed location, confirmed by applicant.**

**Bill Doucette**, Jeff, just for clarification is that sf counted in the perimeter?

**Jeff Walsh**, no it's not.

**Bill Doucette**, so if you are looking for additional sf you could forego that shed?

**Jeff Walsh**, yes, I would be happy to.

**Chair Bernie Volz**, do we know the size of the shed?

**Clerk**, the plan shows 105 sf.

**Chair Bernie Volz**, ok and then garage shows 244 sf.

**Karen Ponton**, the size of the bonus room that is 545 sf?

**Pamela Walsh**, it's 22'5" x 24'25"

**Karen Ponton**, total is 549'. The basement is 925'sf, correct? Then the proposed first floor without the garage?

**Pamela Walsh**, 845sf finished space which is without the garage.

**Board is trying to calculate the new sf vs. the old**

**Karen Ponton**, I came up with 2319sf of new/proposed and the existing is significantly less.

**Jeff Walsh**, I believe existing is 1360 sf without the shed

**Chair Bernie Volz**, the 2319sf is with or without the garage?

**Karen Ponton**, without.

**Chair Bernie Volz**, given the ordinance, it takes total square footage into consideration and I think the best thing would be to come back with a clean proposal. We would have to continue this meeting and sadly we would have to continue into January because we will be discussing later that we will not be meeting in December.

**Jeff Walsh**, can I just go forward with that number you came up with, 2319 sf without the garage.

**Chair Bernie Volz**, the garage adds another 244sf using the inside dimensions and I think that is the problem here. I think it's worth saying we really need before we vote on anything, we need a clear understanding of what it is we are going to approve or deny. We don't have that in front of us right now and I think it's a bit more complicated than just the basement. We should continue this meeting which means you don't have to go through the renotification.

**Jeff Walsh**, I do understand and appreciate it but I would love if we could decide on a number of sf because if not it will force me not to be able to do any building this year.

**Tim Nefores**, can you provide that number for us?

**Chair Bernie Volz**, right I think it's best they provide that number and rather than calculating it on the fly I think you need to sit down and put it together and make sure the numbers are right.

**Karen Ponton**, I come up with somewhere between 959 and 1059 additional sf.

**Chair Bernie Volz**, we have to go by total sf so it's not the finished vs. unfinished so I think before we can move forward on granting or denying a variance, we need that final number to base that decision on.

**Gregory Hime**, clearly stated sf of proposed and sf of existing.

**Chair Bernie Volz**, and if you are going to remove the shed make that clear what you will do with it. What we have in front of us is just lifting the building and there is a lot more going on here. Again, we won't make a decision until we have that final number and it's clear. Are there any more questions?

**Gregory Hime**, where is the well for this building?

**Jeff Walsh**, it's on the plan on the side of the house and on the septic plan.

**Chair Bernie Volz**, is it a drilled well or dug?

**Pamela Walsh**, it will be a drilled well.

**Chair Bernie Volz**, oh ok so this is a proposed location?

**Pamela Walsh**, yes. There is no existing well.

**Chair Bernie Volz**, will this well service both houses?

**Pamela Walsh**, no two separate wells.

**Chair Bernie Volz**, out of curiosity where is the well for the house near the road?

**Jeff Walsh**, it's proposed here (shows location on plan).

Chair asks if there is anyone that would like to speak in favor of the proposal? Hearing none, Chair asks anyone wanting to speak in opposition. Just to add a letter was submitted by Chuck Martin that he is not in favor of this.

**Charles and Diana Martin 473 Waukegan Road**, we are Center Harbor residents. This property is around 100 years old it's very close to our property. Our property has been in our family since the 80s. According to what I can find in the ordinances this is a non-conforming structure so we knew, according to the ordinances, this could never be expanded but the only thing they could do other than maintaining it ..... (abutter doesn't finish statement). I know he purchased the property in November of 2020 for I think 459k according to the records I researched and it was sold as two seasonal cottages. Based on the research I had done as far as their ability to rip these structures down it didn't make any sense especially where one is right on the waterfront. We sent in some pictures not sure if you got them. (Chair states we received them and pulls up the photos on the monitor). This property is right in the 50' buffer, one of the pictures you have up now is the distance from the structure to our fence which is about 26". This is a cute place, it was intended to just be a cottage, it could be renovated and have some plumbing. The idea that you can just buy a lake cottage and say well this doesn't fit out needs and just rip it down and build new and it's hard for me to believe that state would allow that unless there was some extraordinary reason. There is no hardship here because they already have a house next door and he has done a nice job with the cottage he lifted close to the road. We are concerned about the water run off if there is a retaining wall being installed. I submitted pictures with grade views of the land. They chose to split the lot back into two separate lots when they purchased it from my understanding it was a voluntary thing. One of the things that bothers me about their presentation is that they had the red cottage up for sale this year, it's public record. They listed the house for 799K just for the cottage and when it didn't move, they reduced it to 699K and nothing. I think they were hoping to flip the cottage but it didn't flip so they changed their focus. Now from my perspective, they are coming to use and stating they are just going to raise this house and get a permit to build a new higher structure on the edge of the lake. That is against the zoning ordinance, it's non-conforming. There is not a lot of room on that lot after he split it back into two lots. The lake front lot is 3960sf which is smaller than a lot of houses if you think about it so to me that the State and the Town would allow this house to be rebuilt this close to the water is outrageous.

**Chair Bernie Volz**, sadly, it happens all the time. They can replace it in-kind without much problem. **Charles Martin**, there isn't much provision in the zoning ordinance for using the existing foundation for new construction and that's what we are talking about here. I just learned this tonight that we are not just raising the existing structure they are using the footprint for new construction, well within the norm of the waterfront setback of 75'. My opinion is this, if this what they wanted to do, they could have torn down both of these seasonal cottages and they could have built a conforming house as big as they wanted. I went back and pulled pictures of what the properties looked like last year from the old listing. The reason I'm showing these photos is because the discussion about water runoff, virtually all of the trees you see on the waterfront are now gone as of November of last year. From what we understood you're not supposed to take all these trees down a certain distance from the water. One of the pictures you have on the screen now is the grade and there was no trespassing on the neighbor's property. All of the photos I submitted were taken from my own yard or from the water. (cross talk inaudible).

**Tim Nefores**, are you full time residents?

**Charles Martin**, yes, we are here full time now, we declared residency this year.

**Diana Martin**, a couple things I wanted to point out. This is the lake front property right now and it's very close to the lake and if the new building is 39.5 feet tall that is going to make a huge difference in the feel of it from the lake. Right now, the existing structure is about 1 1/2 stories.

**Code Enforcement Bill Doucette**, currently it's probably 24' high.

**Diana Martin**, this is not what someone is seeing from the road they are going to see this from the lake.

**Charles Martin**, well and keep in mind they are ripping it down and rebuilding which is what is causing this.

**Diana Martin**, this picture shows our fence line and their existing house. If they put in a garage, they basically take what is now the roof line, will all be above our fence. The graded area will be at our fence level. (Diana shows a photo to show where the retaining wall will be in reference to her fence which will be higher than their fence). The height of the house and a roof top deck is a lot and that makes a big difference to us. The tree removal was a problem but it's done so that's about it.

**Sandy Mucchi, Meredith**, my father built the house Chuck and Dianna live in now so I've been going to this house all my life. All this time I've never been able to see the cottages on this property in all the times I visited but now that lot has been stripped of everything that was there. It's gone from being tucked away to being fully exposed. The two other houses you see as you come down the hill, the ones that stick out like two sore thumbs, are what developers put there when they took one lot and created two. They don't suit the neighborhood and that is what I'm picturing for this property. I don't understand how you can take a lot, even though it has two buildings on it doesn't make it two lots, so I don't really understand how you can take a lot that is substandard and make it into another substandard lot. I'm a realtor so I've taken a lot of courses on waterfront and how careful you have to be and I'm smart enough to know it's really complicated so you have to have someone that knows what they are doing in their development. When you start messing around the vegetation and the lines of the property it makes a big difference on a substandard lot for a cottage that hadn't been lived in for years and now all of sudden it's turning into something enormous and not fit with Waukegan Road or this neighborhood. It doesn't make sense, it's extreme and a form of development that as you say, may be done a lot but not always. It just doesn't seem reasonable to allow this to be two lots that are so small and so close to the lake.

**Chair Bernie Volz**, for the record we can't do anything about the lots, the lots are the lots.

**Sandy Mucchi**, are they? Can you explain that to me because I don't get it?

**Chair Bernie Volz**, we can only provide variances or special exceptions we don't have anything to do with how the lots were formed.

**Sandy Mucchi**, when I look at the tax map it only shows one lot. When it was sold, it was sold as one lot.

**Clerk**, it was two lots of record at one time and somehow became one. The research was done through attorneys and it was determined it was two lots of record.

**Chair Bernie Volz**, was this a case that they were merged at some point?

**Clerk**, we don't know how they became merged.

**Chair Bernie Volz**, they are also unmerging them in places because the town merged them without approval of the owners.

**Sandy Mucchi**, I'm concerned the water quality, the run off of water etc.

**Chair Bernie Volz**, this lake is the drinking water source for the town of Meredith so its water quality is important on top of many other reasons.

**Sandy Mucchi**, a lot of money has been spent in Center Harbor and surrounding towns to protect the watershed so it doesn't make sense to increase the load on the watershed.

**Chuck Martin**, to Sandy's point, that waterfront lot is measured at .09 acres. You know why it's .09 acres? Because it was never meant to be more than a waterside cottage. I am very opposed to allowing it to be raised and a brand-new bigger structure placed there.

**Chair Bernie Volz**, just for the record, they wouldn't even be here if they wanted to tear the structure down and rebuild it as it is. Same footprint same total sf, that is the way the rules work in this state.

**Chuck Martin**, what I thought I read in the zoning ordinance was that you can renovate but that you can't build new.

**Chair Bernie Volz**, no that's not true.

**Clerk**, it's a pre-existing non-conforming home so they can rip it down and build the same sf on that footprint.

**Chuck Martin**, build another cottage because we know it's only 26" from our property line. We knew the cottage was that close and accepted that when we bought the house. There is a driveway requirement that you need to have the abutters permission to have the driveway 10' away from the property line is that still in place?

**Chair Bernie Volz**, there are minimum set back requirements yes.

**Chuck Martin**, I believe the way I read it they need to have written approval from the abutter on file.

**Chair Bernie Volz**, well is the driveway pre-existing or not?

**Chuck Martin**, I don't know that.

**Chair Bernie Volz**, asks if anyone else would like to speak in opposition. Hearing none Chair asks if the applicants would like to rebut any of the comments.

**Jeff Walsh**, in response the question about the driveway, that is original we haven't changed it so I don't think the 10' to the boundary line is an issue. The driveway has been there all along since 1920. As far as the trees go, I did not go and just clear cut this lot I went through every channel. I had a land surveyor come out and look and what people don't know is that more than 50% of the trees that we removed were rotted. I had my arborist and land surveyor mark the trees that needed to come down because of this. The other trees that were supposed to stay, they were deemed hazardous to the abutting property by my arborist, I have letters stating this. I have a replanting plan in place with the state so everything has been above board so we didn't just haphazardly just cut everything despite what's being said. The property was for sale but then we decided to live there so we took it off the market. If this variance isn't granted and we decide to rip the house down it still needs to sit on a foundation it can't be placed back on these rocks so it's my understanding I can still put a foundation in just not living space. The disruption in most of the height is still going to be there the disadvantage is we just won't have the added living space.

**Chair Bernie Volz**, again I go back to the total square footage.

**Code Enforcement Officer Bill Doucette**, that is the issue. You can put in a foundation that is non-habitable space. It has to be under 6' tall. You can rebuild the cottage as it sits, part of the problem of what you brought in is the raised height and the proximity to the Martin's property I think is something that definitely needs to be addressed on a plan so people can see how it will be graded, where the water will go.

**Chair Bernie Volz**, aside from the square footage issue, it seems like the other issue is if we deny the variance, they can still rebuild the place with the existing square footage with a 6' foundation in kind. They can do that with no approval from us. The house would raise a couple feet. I'm trying to get a comparison if we were to deny the variance, the result would be the building would probably come up 2'-3' from what it is today if it were to be rebuilt.

**Pamela Walsh**, I really need to put something out there because it's really irritating me and I don't like anyone to disparage me or our intentions. Things change, we did have it on the market we went to Chuck and Diana and explained to them what we wanted to do and they said wait two years until we are gone because we moved here so we could get the tax benefit and when we sell this house, we won't have to worry about it. Just so you know that was said to me and I'm just putting it out there.

**Chair Bernie Volz**, any additional comments?

**George Earl, 446 Waukewan Road**, just curious if anyone has done a study as to where the ledge is on this lot. I remember when he built his other house, there was a contractor there hammering away for 3 weeks because of the ledge. There is a lot of ledge there and that could be a real issue especially if you are installing a new septic system.

**Chair Bernie Volz**, they would have had a perc test done in the location.



**George Earl**, perc testing doesn't necessarily do it. The measurement pertains to the absorption and unless they dug down deep enough, they may not know what's there.

**Pamela Walsh**, they did do that and it's one of the reasons the septic is being installed where it is.

**George Earl**, the other issue I've seen over the years, and I've lived here a long time, the white building that is there that used to historically be a wet spot. In the spring time there could be 6" of water sitting there. They did dig a foundation and they also dug around in back of where that building is and cut into the root systems of the trees which killed them and they filled that whole area in with sand which you will see if you do a site visit which I hope you decide to do. I'm wondering where all that water went, if it's going to return in the spring or whether it's somehow going to go around the building and drain elsewhere. In my mind that's something you would want to look at.

**Chair Bernie Volz**, I do think we should conduct a site visit.

**Board agrees they would like a site visit.**

**Jeff Walsh**, the wet areas of concern, we did have a wetlands scientist out there and he determined there were no wetlands that the water that was there was caused by the pitch in the road.

**Greg Hime**, do you have that report?

**Code Enforcement Officer Bill Doucette**, Randal Shuey did submit a report about a year ago prior to the foundation going in.

**Clerk**, at some point we will need to have a discussion about Section 10 and the mapping on this parcel. Jeff and I have spoken about this already. Wetlands issues fall under a different application so it was decided to move forward with the request for variance first.

**Chair Bernie Volz**, just playing devil's advocate here, if we grant them the variance the wetlands might stop them from doing anything there, we don't know so we have two different applications and may have to go through another Board.

**Clerk**, correct. If their soil scientist determines those wetlands don't exist then it goes to the Planning Board for a dispute.

**Karen Ponton**, Bernie would you like a motion to continue this hearing until our January meeting because we are not meeting in December?

**Chair Bernie Volz**, yes, the December meeting is up for discussion on the agenda. I will be away; Aimee will be away so we wanted to push ZBA business to the January meeting date. The question I guess before we make a motion or vote on it, do we want to do a site visit between now and that January meeting?

**Karen Ponton**, if we need a motion to schedule a site visit, I would be willing to make that motion.

**Motion: Karen Ponton motions to conduct a site visit of this property within the next 10 days.**

**Seconded by Stephany Marchut Lavallee. Chair asks if there is any discussion hearing none.**

**Chair asks if all were in favor. Board voted unanimously for a site visit at the property.**

After some discussion on scheduling, the Board agrees to a site visit at the property for 1 p.m. on November 10<sup>th</sup>. Chair states the public is welcome however, there will be no input allowed by the public. The site walk is for the Board to ask questions and gather information. There will be no deliberations at the site walk.

The Board then discusses when to schedule the continued hearing. Based on the upcoming holiday(s), the Chair being out of town for a few weeks and the Clerk leaving on vacation mid-December, the Board agreed to continue the hearing to January 10<sup>th</sup> at 7 p.m.

**Motion: Karen Ponton motions to continue the public hearing to January 10, 2022 @ 7 p.m.**

**Seconded by Stephany Marchut Lavallee. All were in favor.**

Karen Ponton asks if the applicant should be providing us with specific information for the January 10<sup>th</sup> hearing. Chair states yes, they need to give us the total sf. Articulating this is what we have today and this is what is proposed, removing the shed, adding that sf here etc.

**Gregory Hime**, Section 11:5:4 regarding subsurface disposal stating 100' from high water.

**Chair Bernie Volz**, that's a good question, it does seem like the distance should be the longer distance. Chair asks Bill if he has any comments about that section.

**Code Enforcement Officer Bill Doucette**, states you can't set a septic that far back on that lot.

**Chair continues the hearing to January 10<sup>th</sup> at 7 p.m.**

**OTHER:**

- Board discussed and agreed no December meeting, next meeting will be January 10<sup>th</sup>.
- Clerk discusses some cases that may come up surrounding Section 10 and the requirement for Special Exceptions when work is being done in a water resource or the buffer. Board may decide to have a meeting with Maureen Criasia of the Conservation Commission to go over the parameters of Section 10.
- Discussion about changing ZBA meeting time from 7 p.m. to 6 p.m. Board will continue the discussion in January.

Chair Bernie Volz announces, it's with deepest sympathy that one of the ZBA's Alternate Member's Dennis Murphy, long time resident of the Town of Center Harbor, passed away from a long battle with cancer. The Board sends their condolences to family and friends of Dennis and are grateful for his service to the Board.

Board had no further business to discuss.

**III. ADJOURNMENT:**

Greg Hime motioned to adjourn the meeting at 9:26 p.m. Seconded by Stephany Marchut Lavallee. All were in favor of adjourning the meeting.