

TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT

Hearing
Monday, June 10, 2019
7:00 p.m.

Chair Bernie Volz called the meeting to order at 7:01 p.m. Member Anthony Avrutine was present. Alternate members Karen Ponton, Susan Patz, Stephany Marchut Lavallee and Clerk Aimee Manfredi-Sanschagrin. In the audience Code Enforcement Officer Ken Ballance. Applicants Attorney Regina Nadeau of Normandin, Cheney & O'Neil, PLLC and Architect Penelope Marvel of Christopher Williams, Architects, PLLC.

Voting Members: Bernie Volz, Anthony Avrutine, Karen Ponton, Susan Patz and Stephany Marchut Lavallee.

I. MINUTES

Chair motioned to accept the minutes from March 11, 2019 as presented. Seconded by Karen Ponton. All were in favor minutes pass.

II. PUBLIC HEARING – APPLICATION FOR VARIANCE SHELDON 151 FORBES ROAD MAP 212 LOT

021 Request is to construct an attached mud room to the existing dwelling which is located within the shoreline setback.

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. Clerk provides the following information to the Board:

This is an application for a variance for Lisa Kennedy Sheldon trustee of the Lisa Kennedy Sheldon Revocable trust of 1992. The application was sent to the Town Office via Fed-ex and received on May 23, 2019 and has been assigned case number 2019-0610. The request is to construct an attached mudroom to the existing dwelling of which a total of 12 square feet of the proposed mud room will be located on the non-lake side of the house within 72' of the shoreline where a 75' set back is required. The existing dwelling is all within the 75' setback of the shoreline. Notice for the hearing was published in the Laconia Daily Sun on May 30th. Public notice was also posted at the Town Office, Post Office and on the home and ZBA pages of the Town Website. Abutters were notified via certified mail on May 30, 2019 all certified letter have been signed for.

The Town Office has not received any written or verbal statements from any of the abutters.

Chair turns the hearing over to the applicant's agent.

Attorney Regina Nadeau of Normandin, Cheney & O'Neil introduces herself as representing the applicant and also introduces Penelope Marvel as the architect on the project. Attorney Nadeau states her client's property is approximately 1.5 acres on Forbes Rd on Squam Lake. There is an existing dwelling which dates back to the 1950's it's retained all the original architectural style. Considering it does date back to the 1950's. The structure sits fairly far back from the shoreline just over the 50' setback line. There is an existing bunk house one bedroom no kitchen. Application has been filed with the State of NH for the shore land permit.

The property has been in the family for quite a few years so they want to maintain the structure and the architecture and not remove the structure and build something new. What they would like to do is remodel the upstairs and at that same time they would like to take the entrance, which I will call the back side of the property because it faces the road, and make that into an enclosed mud room. (Photos show an overhang and deck at the entrance). This is the only area they can add this feature to avoid the chimney or to avoid cutting into what is already a bedroom. The corner around the chimney area calculates to about 12 sf and that is what we would be encroaching into the 75' set back. When you consider that the 75' setback is presumably to protect water quality, impact on the shoreline and overcrowding of the shoreline. Based on the overall impacts on this lot, that 12 sf would add just 1% of lot coverage on this property.

Attorney Nadeau goes through the criteria. **Criteria 1 and 2** go hand and hand. We are not coming any closer to the shoreline no additional foot traffic just adding to the backside. Under 1% of impervious lot coverage we believe it is consistent with the ordinance and more palatable than tearing down a structure and work with what we have. I've also provided pictures to show there will be no impact on the neighbors. The photo to the north of the sideline taken from the shoreline shows the northerly abutters house is closer to the shoreline than this property so the mudroom would be out of any line of sight from that property. The photo from the southerly property line shows two tax lots where there are a few buildings and heavy vegetation so you cannot see through to the other property. Additionally, because there is already an overhang we are only going out a few more feet.

Criteria 3 I think that allowing the applicant the opportunity to make use of an existing home without any environmental impact just by adding 12 sf certainly has tremendous value to the land owner and as I said previously, converse to the towns potential gain which is limiting it to 1% additional impervious area that wouldn't be seen, will not create more foot traffic and no impact on the water quality of the lake.

Criteria 4 The values of the houses will not be diminished because this is not visible from the abutting property and again will not generate any additional foot traffic or impact the water quality.

Criteria 5 Our circumstances which are unique to this property is that the structure is already there, we are not starting with a raw piece of land. You are allowed to take into consideration the improvements that are already on the property and we have one that has been there for 60-70 years. I submit the use is reasonable that mudrooms are reasonable here in New England.

Attorney Nadeau continues, for clarification and in order to provide full disclosure of other projects going on for this property, you will notice a proposed garage. For that garage there will be two bedrooms above but there will not be a kitchen but will be a bathroom. There was a multi-functional room in the main house that was used as a bedroom that will be one of the bedrooms moving to the garage. I wanted to be upfront about the entire project and not just focusing your attention on the 12 sf that is being added, the only action required by the board is the 12sf because the garage is outside of the 75' setback. Chair adds he noticed on the plan the septic will be updated as well.

Attorney Nadeau responds yes and that has already been approved. Chair asks if Ken would like to add anything. Ken responds he has been involved over the years with work that has been done on the property and for 12 sf that could have slipped by but they did the right thing by coming here. They have been upfront with everything they have done.

Chair asks if Penelope Marvel wanted to add anything. Penelope provides an interior photo of the area in question stating as can be seen in the photo there is no space in the house to carve out an area for the function they are seeking. The property owners love the house just the way it is, they just need a little more room at the entrance for functionality.

Chair asks if there are any questions. Stephany Marchut Lavallee for clarification asks "the new garage is not being considered today?" Chair responds no because it is outside the setback so no variance is needed. Sue Patz asks if the main house is all within the 75' setback. Chair responds yes. Hearing no more questions the Chair leaves the hearing open while the Board discusses the criteria.

Chair provides the criteria:

Criteria 1 & 2 – Sue Patz states 12 sf is still 12 sf so in the spirit of the ordinance it's still adding space. Chair yes and they wouldn't be here if they didn't need to be. The reason why the ZBA exists is because people may need to do things or want to do things that are not allowed and they have to live within the parameters they are given in terms of the existing structure. Susan Patz, I just want it to be acknowledged that even though it is a small amount it still is within the setback. Chair yes and when the existing structure was built there was no ordinance so we need to have a way for people to submit reasonable requests for consideration.

Criteria 3 - Chair I think given the current conditions of the property and given the alternatives they potentially have; I think their request is reasonable. It would do justice to grant the variance. Karen Ponton asks a question of the architect referring to the porch area in the photo which is whether the area in question is already part of the existing footprint. Penelope Marvel responds that it is. Karen Ponton states if some of that square footage is covered by that, it seems it may be less than 12 sf. Attorney Nadeau responds yes some of it would be but we are enclosing it so to be safe we added some extra sf. In regards to the impervious area we wouldn't be increasing it by a total of 12 sf because one corner is already included in that but we thought we would ask for it because it will now be enclosed from an outside deck to the enclosed living space. Karen Ponton, but the overall impact is less than 12sf. Attorney Nadeau and Ken Ballance respond yes because of the existing roof overhang.

Criteria 4 Board agrees the values of surrounding properties would not be diminished.

Criteria 5 – Chair believes the use is reasonable and it's such a small footprint and the specific location of the property that doing anything else could be more disruptive for instance demolishing the structure and building a new one. Susan Patz, but in doing that they would have to build further back from the lake. Chair, there are replace in kind rules as well so there is the possibility that they could build a taller home in the same footprint because the State does allow people to do that.

Motion accepting the application: Karen Ponton motions to accept the application for Variance. Seconded by Anthony Avrutine. All were in favor of accepting the application.

Motion approving the variance: Karen Ponton makes a motion to approve the proposal as presented. Seconded by Anthony Avrutine. No conditions. All were in favor of approving the variance.

Chair states there is a 30 day appeal period.

OTHER:

24 DEW POINT LANE UPDATE - Chair updates the Board on the Mark Sudbey case at 24 Dew Point Lane stating the case did not go to court that the property owner wanted to settle. The settlement involved removing most of the stone. The patio consisted of approximately 1400 sf and it was reduced to 291 sf in the end. Ken Ballance has been charged with monitoring the removal and the property owner has a deadline. If they can't meet the deadline, they can request an extension as long as a reasonable effort has been made to start the removal process.

ELECTION OF OFFICERS:

Board discusses election of officers. Karen Ponton motions to appoint Bernie Volz as Chairman. Seconded by Stephany Marchut Lavallee. All were in favor. Karen Ponton motions to appoint George Lamprey as Vice Chairman. Seconded by Anthony Avrutine. All were in favor.

ADJOURNMENT

Meeting adjourned at 8:06 p.m. respectfully submitted by Aimee Manfredi-Sanschagrín.