

TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT
Municipal Building

Monday, August 9, 2021
7 p.m.

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

Voting Members: Bernie Volz, George Lamprey, Karen Ponton, Stephany Marchut Lavallee, Gregory Hime.

Chair starts the meeting by introducing two new members, Dennis Murphy who is a new member to the Board and Anthony Avrutine who is a returning member to the ZBA.

Chair decides to move to item II on the agenda which is a request for rehearing for Ambrose Bros, Inc and go back to the approval of minutes after the hearings.

I. MINUTES:

Approval of the May 10, 2021 minutes. Chair asks for a motion. Karen Ponton motions to accept the May 10, 2021 minutes as presented. Seconded by Stephany Marchut Lavallee. All were in favor of approving the minutes.

Approval of the June 14, 2021 minutes. Chair asks for a motion. Karen Ponton motions to accept the June 14, 2021 minutes as corrected. Seconded by Stephany Marchut Lavallee. All were in favor of approving the minutes.

II. PUBLIC MEETING-REQUEST FOR REHEARING AMBROSE CASE 2021-0510

Chair announces for the Request for Rehearing there will be no public input and he would like to use the members that were present during the original hearing to be the voting members for the rehearing. (**Voting Members: Bernie Volz, George Lamprey, Karen Ponton and Stephany Marchut Lavallee.**) Chair states he personally thinks they should grant the request for rehearing because the Board did not specify the reasons for the denial. The rationale for why we are denying really needs to be in there and for that reason alone I feel we need to revisit. Any other discussion.

George Lamprey, in your opinion was it an error because the three requests were merged into one? Chair, yes you are correct that is also an issue we need to deal with. It was hard and Jean had argued that it is hard to separate them out but I think that is another procedural error we need to address.

Stephany Marchut Lavallee, so the rehearing is that presenting everything again or do we just have a discussion to go over the items.

Chair Bernie Volz, it's not going to be as in depth. All of the discussion is already in the record and will be part of this rehearing. I hope we can keep the audience discussion to a minimum because the new arguments are fairly minimal. There are some other arguments that are made by the applicant so we have to go through those but the idea is that this will be fairly quick.

Stephany Marchut Lavallee, so this would be scheduled for next month's meeting.

Chair Bernie Volz, yes, I feel that's the best way to handle this which would be September 13th.

Motion: Karen Ponton motions to grant the request for rehearing for Ambrose Bros, Inc. to be held at our next meeting on September 13, 2021. George Lamprey, seconds the motion. Chair asks if there is any further discussion, hearing none the Board votes unanimously in favor of granting the rehearing.

III. PUBLIC HEARING - APPLICATION FOR VARIANCE – LUKE DUPUIS AND SCOTT ELLIOTT ZBA CASE 2021-0809A FOR 11 CAMP ROAD (105-018)

Chair provides the 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 property located at 11 Camp Road Map 105 Lot 018 owned by Luke Dupuis and Scott Elliott. The application was hand delivered to the Clerk on July 22, 2021 and has been assigned Case Number 2021-0809A. The variance request is to permit a porch, entry deck and second floor bathroom for a property that is located in the wetlands buffer, the application cites Article 10 Section 10:4:2:2:1 to add a deck, porch and bathroom.

Public notice was issued on July 26th at the Municipal Building, Post Office and on the ZBA page of the Town Website. Notices was published in the Laconia Daily Sun on July 28th. Abutters were notified via certified mail. No verbal or written statements from any of the abutters.

Luke Dupuis and Scott Elliott present:

Luke Dupuis introduces himself states he lives on 36 Kline Road. Luke provides the Board with a larger copy of the site map. Background on the property, we purchased the property from the Town of Center Harbor a month or so ago the address is 11 Camp Road. We were the prevailing bidder, of course the understanding was we would do our due diligence make our offer and essentially buyer beware. I came in the town to review the information in the file and everything that I saw I documented and essentially, I was trying to determine where the property sat on the lot and what we could do with it. One of the issues that arose after the property was purchased was, we were told the property sat in the prime wetland buffer. When we had originally came in to look at the file, there was nothing in the file that had anything to do with wetlands. I came in spoke to the Selectmen about it and was told there was not the towns responsibility to put this notice in the file and my response was when I have something like that on a property, I own I document it and put it in the file. It's hard for me to believe that the town owned this property and they didn't have a document in the file that stated this property sat in a wetland buffer. As a result, in order to be able to do with the property what we wanted to we needed to come to you with a variance. We want to add a covered porch and a deck along with a bathroom on the second floor which is inside the original footprint. When we applied for the permit, the permit was denied because we were looking for an expansion of the existing property. A couple things that we have done is have someone go out and mark the wetlands. Looking where the house sits and where the wetlands are it's pretty obvious how far the house sits from the wetlands. We decided to do some mapping so I called Gove Environmental and they had someone that works for that company that already had work in Center Harbor so he said he could come by and flag the property. No official report was done but we plotted the flags on this plan and as you can see the wetland area do not comprise as much of the wetland area as originally shown. It appears to give us a little more of a buffer around the exterior of this building. What we would like or hoping is that there are other outbuildings on the property, this is in a preserved area and we truly want to preserve the area but we want to be able to live there comfortably as well so we propose to take out the grubby old sheds and outbuildings that are there and in turn for that we are hoping to trade some of that square footage to put on the porch, trying to trade like kind objects in hopes of being able to clean up the lot and enjoy the property.

Chair Bernie Volz, I think you should also go through the criteria on the application as part of the record. Luke Dupuis reads through the criteria, the application in its entirety will be entered into the record. Luke closes with a statement that the property is non-confirming and if it was confirming we may not have these issues.

Chair Bernie Volz, if you were just rebuilding what is there you would not need a variance but you want to expand beyond the footprint so yes that is why you need the variance.

Luke Dupuis, when you look at the structure and you look at the way the property was built it is very obvious a porch was intended. There are two exterior doors that go to nowhere so I think the original intent was to have these items but never proceeded. I also feel the town could have done a better job in representing the property it was very clear to a number of individuals that this particular property sat within the wetlands buffer. I was in and out of this property at least 4 or 5 times I was not told or notified of this until I went to apply for the building permit. Now I have been a resident of this community for over 25 years and to me I just think that shouldn't have happened.

Chair Bernie Volz, I will counter that and say it's not the town's responsibility to go through and list all of the issues with every single property, someone else could come back and say well you didn't tell me this property had this set back so I don't think it's the town responsibility but you as the purchaser has to do the due diligence. You can argue that but I disagree. The data is readily available and today it's even easier because all the wetlands information is all on line.

Luke Dupuis, I beg to differ with you. I came in and worked with Aimee we spent at least 10-15 minutes to find out where the wetlands buffer was and how to understand the whole thing. It wasn't as easy as you make it sound. Yes, I didn't do it but as a sound member of this community, I've paid taxes for many years, I have a good relationship with the town it just seems to me I walked through all of these people that I see on a weekly basis and not one person said by the way Luke, that property sits in a wetland buffer. Yes, you can say it's not your responsibility but it sure would have been nice. I guess the other thing is, it's quite obvious that I wasn't the only one that wasn't aware of that issue otherwise my bid wouldn't have been so robust. I'm not disappointed for what I paid for the property but I had known that, I may not have been 30K in excess of what every other bidder bid. I think what you need to look at is that we helped the town out. The town had a debt of 55K on the property we came in with 110K, we want to put a deck on and it's challenging for us. We made the town whole. We did everything we were supposed to do. We are good members of the community to be honest I don't think we were treated fairly

Gregory Hime asks for clarification on the map. Scott Elliott explains the plan.

Chair Bernie Volz, would anyone like to speak in favor of the variance?

Gordon Dagnall Keyser Road, listening to this, you bought this piece of property from the town, the town owned it and you tried to get information about it and they were not forthcoming with what the wetlands regulations were so it's not so much a buyer beware thing if you're not provided with the information about it.

Chair Bernie Volz, the information is available because the zoning ordinances are online.

Gordan Dagnall, the gentlemen said he came here multiple times and didn't get the information. Not everyone can go online and figure everything out.

Luke Dupuis, it's obvious this gentleman here looking at the map couldn't even see the house on it. We had to point out to him on the plan where the house is.

Chair Bernie Volz, yes but that is your plan.

Luke Dupuis, no that is the towns plan.

Chair Bernie Volz, no I pull up the towns plan and there isn't ..

Luke Dupuis, you didn't put the buffers on the plan.

Chair Bernie Volz, you didn't even put all the buffers on the plan the 125' prime wetland buffer is not on this plan. There is stuff missing on this plan as well.

Luke Dupuis, ok I think what I'm saying is, when you put all the layers on the plan, to be able to get everything on there you need they become smudgy and it's hard to decipher what is what.

Stephany Marchut Lavallee, Bernie do we need a copy of the wetlands report or no?

Chairman Bernie Volz, well I think that is something we may need to determine later on if we need it.

Dennis Murphy, in your building plan obviously the porch and the deck do not exist that would be an expansion of the existing footprint to add a porch.

Luke Dupuis, but not that bathroom that is just adding square footage to the second floor but it does not increase the footprint.

Dennis Murphy, so the only expansion to the footprint is the porch?

Luke Dupuis, and we propose we would trade that for the two dilapidated buildings on the property.

Dennis Murphy, what is the square footage of the porch?

Chair Bernie Volz, the building plan on the permit seems to imply that the footprint is bigger.

Luke Dupuis, well when we applied for the permit it was including the porch that's what stopped everything.

Chair Bernie Volz, no this plan here shows the existing building and the red is the expansion which is significantly larger than the existing footprint.

Luke Dupuis, no that is from the prior property owner. (Luke shows the Board the plan) what we bought is in red the darker red was the existing structure that the prior owner may have torn down and started to rebuild.

Chair Bernie Volz, it was a bit misleading.

Luke Dupuis, I used the plan the town had on file. Obviously, as you can see, they are misleading. You've made a very good point for my argument.

Chair Bernie Volz, no, I'm just saying I don't know who drew this and it's just confusing. It says existing 2-bedroom residence and then there is the red part that seems those are all the changes you are planning to make.

Luke Dupuis, oh I see I'm sorry.

George Lamprey, so if I'm looking at that plan correctly, the porch will be on the east side as opposed to the snake river side?

Chair Bernie Volz, yes.

George Lamprey, the size of the porch?

Luke Dupuis, it is approximately 270 sf.

Chair Bernie Volz, do you know the sizes of the 2 sheds?

Luke Dupuis, one that is 184 sf and one that 65 sf so approximate total is 250sf. We are asking for 270 sf quite honestly; 250 sf would suffice.

Chair Bernie Volz asks if anyone would like to speak against the project? Maureen Criasia asks if she could provide some information to the Board.

Maureen Criasia, 116 Hawkins Pond Road, I am not representing the Conservation Commission (ConComm) but I am a conservation commissioner and have been on the ConComm since 2005 so I have some historical information that may help the Board. The Snake River is a 3rd order stream, it is the biggest stream we have in Center Harbor, because of that it filters the water that comes from the upland buffer into the Waukegan Watershed which starts at Bear Pond goes through Hawkins Pond down into Lake Winona through the Snake River and the Snake River is the filtration entity for the water going into Lake Waukegan which is the public water supply for the Town of Meredith. 2012 the Town of Center voted to put this wetland complex into prime wetlands status. An application, including maps and all of the paperwork required to go to DES to add it as a prime wetland was sent and it was designated a prime wetland by DES in I believe April of 2012. The DES afforded this wetland an upland protected buffer of 100'. In 2016, the town again, voted to put forward as part of our Zoning Ordinances in Chapter 10 Water Resources Conservation Overlay District. Contained within are all the water resources in the town that were mapped and that time and also approved by town vote and with it there are designated protective buffers around every water entity. These were on the warrant and were voted on by the Town of Center Harbor. All of the information pertaining to the water resources in this town can be found on the ConComm's page of the town website. I'm just trying to provide information, our upland buffer that was voted on with Section 10 has a stricter upland buffer than the state which is 125'. Buffers filter sediment, they protect wildlife, they are habitats for species requiring both wetland and upland protective buffer habitats and they offer buffer protection from invasive species. Provide a benefit to adjacent wetlands. They reduce affected floods and drought, if anyone can remember 2008, a lot of the homes are still standing along with the Snake River bridge because of the flood storage capacity of the Snake River.

Luke Dupuis, I completely understand what you communicated and thank you I'm all in favor in saving our country's environment and doing the right thing. I guess from a lay person's perspective, I understand the values of the buffer but I can assure you that there are probably some things on that property, sitting there right now that Scott and I will remove that will enhance that buffer a lot more than that deck or porch is going to hurt it. If we are concerned about protecting that buffer, as we all should be, remember we are going to put 6 - 8x8 posts into

the ground with a porch suspended above that so the impact that we are actually going to have on the overall impact of the ground is going to be far less than it is now. We are going to remove the debris and return it back to that original natural state.

Maureen Criasia, I have a question about the septic system. Has the septic been inspected is it going to be able to handle the additional bathroom? The location of the septic.

Luke Dupuis, it is as far away from wetland as it can be. It has been inspected, the house is a 2-bedroom home and will always remain a 2-bedroom home.

Maureen Criasia, the size of the septic can handle this?

Bill Doucette Code Enforcement Officer, yes it can. It was installed in 2005 and it appears to have never been used.

George Lamprey, you're working off the original footprint, can you tell me what year it was constructed originally.

Scott Elliott, I believe they built the expansion onto the camp in 2005. The whole thing was lifted and put on an addition in 2005.

Gregory Hime, you're asking on the right side a small entrance and then this side (showing on the map) is where you're proposing the porch with access to ground level which is not included in the sf.

Scott Elliott, those stairs are not in the square footage.

Chair Bernie Volz, is the entrance in the square footage?

Luke Dupuis, it is obvious there was something there but it was removed, I need a boost to get into the front door. There seems there were steps there and maybe just rotted away, we would just add a couple steps to get up and in.

Chair Bernie Volz, my understanding is that you would be willing to reduce the porch by 20 sf.

Luke Dupuis, yes, our goal is to swap the two structures in kind if we could if that necessitates making the porch smaller, we would certainly be willing to do that.

Karen Ponton, you mentioned at the beginning you had a wetlands person mark the wetlands for you.

Luke Dupuis, yes it was kind of a fluke. We called him because he did the original mapping and he said he was going to be in Center Harbor so he would come by and flag the property.

Karen Ponton, is the mapping he did any different than what the town had?

Luke Dupuis, yes.

Chair Bernie Volz, the blue dots on this map delineate the wetlands.

Luke Dupuis, it's not significant but it's definitely different. When you're looking at the house you can see how it slopes down towards the Snake River so it's kind of obvious the wetlands start at that lower level.

Karen Ponton, so the existing house is a little bit further away from the wetland than what was shown on the maps originally.

Luke Dupuis, yes, we had the guy there but we didn't have a report done or anything.

Voting Members: Bernie Volz, George Lamprey, Karen Ponton, (Stephany Marchut Lavallee recuses herself as a voting member stating Luke was a project manager for work she had done) Gregory Hime and Dennis Murphy.

Chair asks what the Board thinks. Karen asks if anyone was speaking against the application. Chair said he asked and no one responded. George Lamprey asks if there was any written notification that came in for or against the proposal Clerk responds no. Chair, it's a private road.

Gregory Hime, I see there are a lot of challenges here but I also see the willingness to make some compromises to improve the property with removal of the old buildings. I think my concern is that bathroom given the condition of the septic system certainly presents an issue from my standpoint.

Chair Bernie Volz, you're going to tear down what is there and build a new house.

Luke Dupuis, no we are not. We are working within the confines of what is there. The house is actually in pretty good shape.

Chair Bernie Volz, ok so you will do some maintenance/construction around the house and add that porch?

Luke Dupuis, yes that is what we would like to do.

Dennis Murphy, if I remember correctly, the state septic rules used to be based on the number of bathrooms. As people decided they needed more bathrooms for their convenience, it's now based on number of bedrooms.

Chair Bernie Volz, yes and the system that is there was built for 2 bedroom and this remains a 2 bedroom.

George Lamprey, just to add to Greg's comments, this porch is going to be on posts so I think the impact is rather minimal.

Chair Bernie Volz, it is a roofed porch so you do have the water moving a little bit.

George Lamprey, and it is off to the side as opposed to the Snake River. I believe the original construction on that was 1960. There may have been an addition done in 2005 so the core camp was 1960. I think that's a factor because it kind of locked in the future and the prime wetlands came in, well came in, in a major way, in 2012. I think there is a real box here, I don't think there is accountability on the town's part on the transaction because whenever something comes in by tax sale it's a nightmare. It is buyer beware absolutely. For me that is not much of an argument but the pure circumstance of that property and it being where it was and the removal of the outbuildings, I think is a fair trade.

Chair Bernie Volz goes through the 5 criteria.

Criteria 1 – Board agrees it's not contrary

Criteria 2 – Board agrees it's in the spirit of the ordinance

Criteria 3 – Board agrees it would provide substantial justice

Criteria 4 – Board agrees the surrounding property values are not diminished

Criteria 5 – Board agrees there is a hardship of the land and the compromise to remove the outbuildings is an improvement to the property and the wetlands.

Motion: Gregory Hime motions to grant the variance with the following conditions:

- 1. The 2 (two) existing outbuildings shall be completely removed**
- 2. The combines square footage of the porch and entry way shall not exceed 260 sf**
- 3. The porch and entry way are to be constructed in the locations as presented on the plan before the Board on August 9, 2021**

Seconded by George Lamprey. Chair asks for a vote, the vote was unanimously in favor of granting the variance with the conditions outlined.

Chair asks for the Board to just confirm once again they are all ok with the 5 criteria. The Board agrees the 5 criteria have been met. Vote was unanimous.

Chair states there is a 30-day appeal.

Bill Doucette CEO mentions the property owner still needs to get state permits before he can approve the permits.

IV. PUBLIC HEARING -APPLICATION FOR VARIANCE – ROY AND NANCY DRUKKER ZBA CASE 2021-0809B FOR 533 WAUKEWAN ROAD

Clerk provides the following information to the Board:

This is an application for a variance for property located at 533 Waukewan Road Map 105 Lot 012 owned by Roy and Nancy Drukker and their agent Wes Hayes of Northstar Construction. The application was hand delivered to the Clerk on July 22, 2021 and has been assigned Case Number 2021-0809B. The application cites Article 5 Section 11:3 to allow the raising of the house to place an 8' basement within the same footprint and to increase

square footage on the second floor to expand the existing 2 bedrooms and add a bathroom.

Public notice was issued on July 26th at the Municipal Building, Post Office and on the ZBA page of the Town Website. Notices was published in the Laconia Daily Sun on July 28th. Abutters were notified via certified mail. No verbal or written statements from any of the abutters.

Chair asks for the applicant to present the case.

Wes Hayes of Northstar Contractors, LLC, introduces himself as the applicant's agent and the contractor doing the work. The property owners would like to make this house habitable for year-round living. The house was built in 1912 before the roads were put in and before the Shoreland Protection Act etc. The lot is challenging, the house is about 6' from the edge of the road and about 25'-30' from the water so the town setback and the road set back goes through the house and the lake set back goes all the way to the road. We don't want to change the footprint as a matter of fact I believe the new footprint is about 20 sf less. We would like to elevate the house. Currently the house is about 5'6" below the height of the road. Someone in the past had put a concrete walkway to try shift the water away from the house but they still have water issues with the basement. They would like to raise the house up from where it is now so it's above Waukegan Road and then add a bathroom upstairs.

Chair Bernie Volz, how many square feet are you increasing.

Wes Hayes, it's approximately 150 sf maybe 170 sf, it's adding the bathroom to the upstairs which adds square footage to the inside it doesn't add anything to the footprint.

George Lamprey, there is not an overhang off the footprint is there?

Wes Hayes, no not at all. It's a small cottage that had porches and at some point, perhaps two families ago, they made those into the living room and dining room.

George Lamprey, what would the height be?

Wes Hayes, if we raise it with the new foundation and make the normal level with raised ceiling heights we are probably raising it an extra 8'. I don't know the total height but I think the town has a limit of 35' and it will be far lower than that.

Chair Bernie Volz asks that the applicant go through the 5 criteria of the application. The applicant's agent goes through the 5 criteria for the variance. The application will be entered in its entirety into the record.

Chair asks if there is anyone that would like to speak in favor of granting the variance? Hearing none the Chair asks if anyone would like to speak in opposition? Chair asks for questions from the Board.

George Lamprey, I know you mentioned mitigating the draining that currently goes through the basement. Could you speak about the perimeter drainage if you're building it up.

Wes Hayes, if we can raise the elevation, we are not going to have the issue of water coming off the road and running into the house obviously but then normal construction we would do foundation drainage. The level that the house is at now and how close the road is the water just drains into the basement. The house if elevated we can pitch the water away from the house.

Chair Bernie Volz, are you going to increase the size of the basement?

Wes Hayes, correct. Right now, on the lake side it's 3'6" and that's the floor that comes to the road.

Chair Bernie Volz, again, will that cause the basement to flood.

Wes Hayes, no because it will be a basement that is sealed and we can put drainage around it.

Chair Bernie Volz, so are you going to lift the house?

Wes Hayes, no the house is going to be torn down and we are going to build the house you see on the plan in the same footprint.

George Lamprey, water coming off the road is coming through the basement?

Wes Hayes, yes it definitely is.

George Lamprey, but that drainage won't be trapped between the road and the buildup, correct?

Wes Hayes, no it won't.

Gordon Dagnall, Keyser Road asks, the water is still going to fall from the sky and it has to go somewhere so if it's not running through the basement is it going to erode the land of the property on either side of the building now?

Wes Hayes, it should not because those side are not eroding now.

Gordon Dagnall, you're saying it's not eroding now because it's running through the basement but you're going to redirect the water that's running from the road to either side of the building now.

Wes Hayes, if we elevate the house, we are pitching that roadside drain with the soils towards the road. So it should not come to the house. The water will go around the house, we still have the same amount of roof line over the house.

Gordon Dagnall, right but you said it's currently running through the house?

Wes Hayes, correct.

Gordon Dagnall, but now you are going to divert it to either side of the house.

Chair Bernie Volz, or down the street somewhere. It is an interesting question and something I'm not sure what we can do about it.

Wes Hayes, we still have to go for a shoreland permit and when we do that they will talk to us about drainage so I think we will be dealing with all of that anyway.

Chair Bernie Volz, it seems to make sense if you're going to do this to have some type of drainage system to remove that water under or around the house other than dispersing it elsewhere because then the neighbors may have water issues.

George Lamprey, I'm not sure of the sequence but you have not started with the state?

Wes Hayes, an engineer did come out, he's the one that is going to be doing the permit for us. He took a walk through, he felt very comfortable with what we were asking but the next step for us was to come here to see if what we wanted to do would be approved before we go any further with the state. We didn't want to spend any more money until we came to the town for this approval. That house will need a full shoreland permit it would not qualify for permit by notification.

Gregory Hime, to be clear, this is a complete tear down and a new build with a large height structure.

Wes Hayes, it will definitely be taller but it will not have any more impervious surface than it has now.

Gregory Hime, but the face of the front is larger building facing the water than today.

Chair Bernie Volz, yes it will be taller, I think about 8-9 ft in total.

Stephany Marchut Lavallee, I think you said 170 sf increase in the building.

Wes Hayes, yes and that's only to expand the bathroom upstairs all still within the footprint we are not going outside of the footprint at all.

Stephany Marchut Lavallee, will the basement be living space too?

Wes Hayes, we are not planning on that. They don't have a heating system in the house right now nor a hot water system. Because it's facing the lake, they want it to look nice but at this time there is no plans to make any of that living space.

Chair asks if there are any other questions from the audience.

Maureen Criasia, 116 Hawkins Pond Road, what is the pitch and slope down to the lake from that property I'm trying to picture what property it is.

Wes Hayes, it's the one with the red metal roof right next to the road. It's pretty gradual once you drop off the road.

Maureen Criasia, so you don't anticipate any more run off with this construction?

Wes Hayes, I don't believe so because we are eliminating the concrete around the house which will be a good thing because you have this concrete block that comes all the way up against the road so water cannot absorb into that. This will now be pervious surfaces. If the state requires us to put drains in by the road, we will do whatever they want us to do.

Tim Nefores, just a comment. Being that close to the road presents a lot of challenges especially if you're taking down the entire structure and you're digging a foundation 6' from a public road. That's the biggest challenge I think, how do we protect the road and keep everyone safe.

Gregory Hime asks if the section pertaining to the non-conforming structure which this building is today, if tearing it down would this still fall under this section. Chair states it will still be a non-conforming structure, they can rebuild in kind. The entire lot is non-confirming there is no way to make this lot conforming, if they were trying to build a new house there today, they couldn't build anything there.

Chair Bernie Volz goes through the 5 criteria.

Criteria 1 – Board agrees it's not contrary

Criteria 2 – Board agrees it's in the spirit of the ordinance

Criteria 3 – Board agrees it would provide substantial justice

Criteria 4 – Board agrees the surrounding property values are not diminished

Criteria 5 – Board agrees there is a hardship of the land

Voting Members: Bernie Volz, George Lamprey, Karen Ponton, Stephany Marchut Lavallee and Gregory Hime.

Motion: Karen Ponton moves to grant the variance application as presented by Northstar Construction, LLC to increase the square footage by approximately 170 sf on the second floor.

Seconded by Stephany Marchut Lavallee.

The Chair asks if the Board is in agreement that all 5 Criteria apply, Board agrees

Chair asks for a vote; on the motion. The vote was unanimously in favor of granting the variance application as presented.

Chair states there is a 30-day appeal.

V. OTHER:

Gordon Dagnall asks the Board if the 5 Criteria applied to the variance do those 5 Criteria also apply to special exceptions. Chair responds no, they only apply to variance applications. Chair states if anyone would like to know more, they can go to the ZBA handbook found online by googling NH ZBA Handbook.

Updated Bylaws: Clerk distributed updated bylaws to the members. Chair requests an updated contact list including the date of the update. Clerk will make the update(s) and have that available at the next ZBA Meeting.

ADJOURNMENT:

No other business for the Board to discuss. Karen Ponton motioned to adjourn the meeting at 8:35 p.m. Seconded by Stephany Marchut Lavallee. All were in favor of adjourning the meeting.