

TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT
Hearing
Monday, April 10, 2017

Chairman Bernie Volz called the hearing to order at 7:00 p.m. Present were Member, George Lamprey, Alternate Members Palmer Smith, Anthony Avrutine, Evelyn McAuliffe, Karen Ponton and Clerk Aimee Manfredi-Sanschagrin. Absent with notice, Karen Peranelli, Chris Williams and Jean Meloney. In the audience Attorney Regina Nadeau representing Martin and Tristin Mannion, Penelope Marvel of Christopher P. Williams Architects, PLLC and Nicol Roseberry of Ames Associates.

I. **MINUTES**

Evelyn McAuliffe motioned to approve the minutes from March 13, 2017 as corrected. Seconded by Anthony Avrutine. All were in favor minutes pass.

Voting Members: Bernie Volz, George Lamprey, Palmer Smith, Anthony Avrutine and Evelyn McAuliffe.

II. **HEARING: SPECIAL EXCEPTION 5:3:1 – MANNION - GAZEBO**

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 reads from the application that the purpose of the Special Exception is to construct a 145 sf gazebo 21' feet from the shore of Squam Lake citing Section 5:3:1 of the Town Ordinance. Clerk states the application was hand delivered on March 23, 2017 by Attorney Regina Nadeau representing the Mannion's.

Attorney Nadeau reads the application into the record. Photographs show the location of the gazebo, statement is made that no trees will be removed from the location to construct the gazebo.

Chairman asks if anyone in the audience would like to speak in favor or opposition of the special exception. Hearing none, Chairman closed the hearing at 7:07 p.m. Board enters into discussion.

George Lamprey: To be clear, no cutting of trees of any size so this photo that we are looking at will remain intact in terms of the vegetation?

Attorney Nadeau responds correct.

Chairman: Any walkways or pathways planned?

Attorney Nadeau: No, there is already a walkway on the shorefront for the existing docking system. If there will be anything else placed there it may be stepping stones. Under the State Law if they do place something, we will be sure it is not a continuous path so that water can infiltrate around it.

Chairman: Does this require a DES permit?

Attorney Nadeau: Yes.

Chairman: Do you have that permit already?

Attorney Nadeau: No

Chairman: Ok so if approved it would be contingent on the DES permit approval.

Attorney Nadeau: Yes. One thing I would like to add is that there will be drip edges on the gazebo that is also proposed on the plan for the addition to the home so that the run off will be caught in stone lined trenches.

Hearing no other questions Chairman asks if the Board would like to make a motion to accept the application.

Motion: George Lamprey motions to accept the application for Special Exception as applied.

Seconded by Anthony Avrutine. All were in favor

Chairman asks if there are any concerns or any further discussion. Hearing none Chairman asks for a motion.

Motion: George Lamprey moves to approve the Special Exception with the criteria as presented. Palmer Smith seconds. All were in favor the Special Exception is granted.

III. **HEARING: VARIANCE 5:3:1 – MANNION ADDITION**

Clerk reads from the application that the purpose of the Variance, citing section 5:3:1 of the CH Zoning Ordinance is to construct a bedroom addition to an existing dwelling where 290 sf feet will encroach into the 75' shoreland setback. Clerk states the application was hand delivered on March 23, 2017 by Attorney Regina Nadeau representing the Mannion's.

Summary:

Attorney Nadeau presents the case for her client providing visual plans for the Board. The plan shows the applicants property as having 360' of shorefront. The lot is long and narrow. The aerial view shows where the improvement would be in relation to the abutter's properties. The applicant's property is on what could be considered a peninsula of land. Attorney Nadeau shows the abutting property to the north and south along with the cove where an island is situated in front of the applicants property. The plans shows the 75' shoreland set back based on our shoreline along with the neighboring parcels shoreline. What is apparent is the existing set back cuts right through our existing building. We also have two wetlands pockets on the north side of the property. Based on your current ordinance the 50' wetlands set back also cuts through the existing structure. The building was built in the 1990's and not one that they would like to rip down and expand to meet their needs. This is a three bedroom home with 5 children so there is a need to expand. With the help for Chris Williams Architects, we tried to find as much area as possible where we could add on without having to encroach into any of these crippling setbacks. There is a 260 sf deck that will be removed from the waterfront part of the home. This deck currently sits in both the wetlands and shoreland set back. The proposal is to completely eliminate that from our plan and instead take some of the existing living space and convert that into an enclosed deck. Making that part of the existing internal structure.

Chairman asks what will happen once the deck is removed. Attorney Nadeau responds it will be reclaimed landscaped.

Summary continued: By eliminating the deck it will reduce the encroachment into the wetland and shoreland setback. There will be a two story bedroom attached to the back side (driveway side) of the house which is outside of the setback area. The proposed plan is to add an addition to the south which will stick out over what is already impervious area and it would be a total of 290 sf within that setback. This addition would be 57' feet from the shoreline whereas the deck is 35' so we are going to increase the amount of encroachment by 30 sf but we will be further back from the shoreline based on the current conditions.

Evelyn McAuliffe: Are you removing the same square footage that you are adding on? Attorney Nadeau respond it will be an extra 30 sf when we are done.

Attorney Nadeau reads the Variance application into the record adding some key notes regarding the improvement in the wetlands buffer and water treatment of run off from the house by installation of drip edges which will channel the water into a crushed stone trench and filter to the lake. Regarding habitats, there are no habitats that are particularly unique to the property. A search was done with the NH Department of Resources and Economic Development, there have not been any threatened or endangered species in this area. In closing, Attorney Nadeau believes with all the steps taken to mitigate wetland and shoreline impact by reducing the encroachment but still allowing a 30sf net gain on the addition, this would be a win for both the town and the property owner.

Chairman asks if there is anyone from the public that would like to speak in favor or opposition of the variance.

Earle Jenkins: I just have a question, is the existing septic system sized to accommodate that number of bedrooms?

Attorney Nadeau: The system is not sized to accommodate this addition and we understand that is one of the permit issues we need to address. We need a shoreland permit and a septic approval.

Earl Jenkins: So those would be contingencies of the approval?

Chairman: Yes they would not receive a building permit without those additional permits.

Chairman: I am sure it was looked at, but there was no way to move the addition in more to lessen the impact?

Penny Marvel: We looked at many configurations what we have with this structure is a one story building with multiple rooflines so we were trying to work with the existing roof shape so we would not have to take too much of it down. This design made the most sense in terms of placing the addition on in the proposed location.

George Lamprey: I am also under the impression from the presentation that one of the reasons for going off that end was the impervious area not creating or rather minimal amount of impervious service above and beyond what naturally exists.

Penny Marvel: Exactly.

Chairman: Any other questions or concerns? Hearing none chairman closes the hearing at 7:38 p.m.

Motion: George Lamprey moves to accept the application for a variance as presented.

Seconded by Evelyn McAuliffe. All were in favor.

Discussion:

Evelyn McAuliffe: The building permit will address the septic situation.

Chairman: The addition would be over already impervious surface which helps and it also sounds like they are trying to mitigate the run off which is probably better than what it is today by having the drainage installed.

Board discusses the five criteria.

Criteria 1 & 2:

Chairman agrees with the Attorney's interpretation of Criteria 1 which would be it wouldn't be in contrary to the public because removing the deck and the small impact because of the ledge there and the other improvements being proposed. George Lamprey states the spirit of the ordinance was taken in mind with this proposal. Board members agreed.

Criteria 3: George Lamprey, I will go back to my basic point of the spirit of the ordinance the efforts to have those in mind in creating minimal impact. Chairman, and improving the current situation. Board agrees.

Criteria 4: Chairman, it seems pretty isolated so I don't see there would be any impact to the neighbors. George Lamprey, the configuration as much as it is a drawback design wise may benefit privacy wise because they are coming out onto that point and abutters are back a bit around the angle. I would not think you would have any diminished issues.

Criteria 5: Chairman, this property certainly has special conditions especially given where the house was put originally. George Lamprey, hardship being the configuration of terrain. Evelyn McAuliffe, I think the way they have designed this has low impact whereas they are taking off the deck and essentially swapping out that space.

Motion: Evelyn McAuliffe moves to grant the variance as stated in the application.

Chairman asks if there are any conditions to be placed on the approval. Evelyn responds no I believe as presented is fine, the State and building permit will take care of the septic and shoreland concerns we discussed.

Chairman and George Lamprey ask if there were any written opposition or support. Clerk responds no.

Motion seconded by Anthony Avrutine. All were in favor.

Chairman announces as a reminder there is a 30 day period of appeal.

IV. **OTHER**

- New Zoning Ordinance books distributed to the Board.
- Reminder OEP Conference
- Board welcomes Karen Ponton to the ZBA.
- Discussion with Earle Jenkins about volunteering for the ZBA. Questions about ZBA entry in Town report. ZBA will discuss providing a report for next Town Meeting.

V. **ELECTION OF OFFICERS**

Board discusses the Election of Officers and motioned Bernie Volz would remain Chairman, Jean Meloney would remain Vice Chair and Aimee Manfredi-Sanschagrín would remain Clerk. Seconded by Anthony Avrutine. All in favor.

ADJOURNMENT

Meeting adjourned at 8:11 p.m.

Respectfully submitted by Aimee Manfredi-Sanschagrín.