

Zoning Board

May 7, 2008

Memorial Building

7:00 P.M.

These minutes are to be considered draft minutes only until they are approved by the Board at their next meeting.

Present: Cynthia Hayes, Gene Hayes, Bill Sullivan, Doug George, Barbara Dunlap, Don Hill (Selectman)

Springfield Power: Cynthia read a letter from Charles Theall, Plant Manager, dated 4/22/08 which included the sound level survey results from before and after installation of a new pollution control device. This was a condition of their zoning variance approval. According to the results the sound level was essentially unchanged.

Minutes: The Board made the following corrections to the minutes of April 2, 2008; under Miller, paragraph 1, one more bullet should be added which says " Variances". Gene made a motion to accept the minutes as corrected, 2nd by Bill, all in favor.

Cynthia had taken the minutes for the site visits to the Miller and Ball properties on May 3rd. These were given out to all members. The following correction was made to the minutes from the Ball visit; "grading material under the deck to prevent run-off was discussed" was added. A motion to accept the minutes of May 3, 2008, as corrected was made by Gene, 2nd by Bill, all members voted in favor.

Ball-continued variance hearing. Present: Mr. and Mrs. Brian Ball. Both the Zoning Board and Mr. Ball have sought input from John Trachy. Mr. Ball doesn't think the run-off from his adding a deck would be a problem. Cynthia asked Mr. Trachy to address the issue of the 100' setback. Mr. Trachy presented a graph which illustrated the results of the Chase study. He also stated that a grass lawn was "relatively impervious" and that during a rain event water would sheet into the lake. He said an 8' deck would be better than 12' because it was less water percolating into a relatively small area. Tom Duling spoke as a neighbor, saying he had driven across Mr. Ball's property many times with a truck and boat and had never sunk in, or found the property to be overly wet. Cynthia asked Mr. Ball about the possibility of removing tiles that were on the ground. Mrs. Ball mentioned that there is a berm before the lake which stops a lot of run-off. Cynthia thought that adding a deck with gravel underneath may actually be improving the water drainage on Mr. Ball's property. The Ball's would add a berm and some plantings around the perimeter of the deck.

The public portion of the hearing was closed. The Board decided they would ask for a 10' width on the deck, 6-8" of gravel, and a condition of no roof. The Board then decided to ask Mr. Ball for a detailed plan of how he will build the deck. She also suggested Mr. Trachy come in with what he thinks is appropriate. Mr. Ball's plans are to include: distance from the house and groundwork (material, depth, slope, berms and plantings). The hearing was continued to June 4, 2008 at 7:10pm.

Miller-continued variance hearing. Present: Sam Vose, Bob Stewart, Ross Stevens, Bud and Arlette Miller, Tom Duling, Rob Heath, John Trachy, Ed Belfield. Barb stepped down and Tom Naughton sat in. Mr. Vose brought in new maps to include the information Ross Stevens and the Board had requested. Ross and Wetlands Scientist Peter Schauer had attended the site visit on May 3, 2008 at

the Miller's property. Mr. Vose said that the zoning regulations he had purchased from the Town were not complete and that he was not fully aware of all the regulations. The property does have a wetland of greater than 10,000 feet. All proposed buildings and septic systems are within the 100' buffer, as the properties are only 100' wide. The 100' buffer lines are shown on the new map.

Cynthia read a letter from Dan Condon of the Kolelemook Shores Association. He had sent a letter out to the 21 association members in March asking for consent or opposition to the variance required to put in a leach field less than 125' from the commonly owned "frog pond". He had received 7 replies, all opposed.

Sam brought in easements he had drawn up. One easement was from Marilyn Heath, owner of the abutting property to allow for construction of the house and septic system within the setback. The other easement is for the adjoining Miller lots, to allow the leach field and effluent lines from lot 1 to be located on lot 2. Cynthia informed Sam that these would be reviewed by the Town's attorney.

There was discussion about having the septic tank within the 75' well radius. Sam says there are DES regulations which allow for that and Bob offered to bring in a copy of those for the Board. There are plans to enclose the 2" effluent line with SCH 40 (a 4" heavy PVC pipe) from the septic tank to the D-box.

The gable end of the house is to face the lake. Sam has a plan to collect the run-off in either a dry well or a water garden, location of these to be determined after final grading of the property. There is no deck planned for the house. Trees would be cleared 15' around the house and 10' away from the septic and leach field. The new driveway will be located where there is an old driveway. Trees that have grown up will need to be removed. Cynthia expressed that tree cutting should be kept to a minimum as this is within a buffer area for the lake. Gene suggested flagging to mark the boundaries for tree cutting.

John Trachy spoke for the Conservation Commission stating that he had never seen "a more challenging lot" and that this lot illustrated the need for the 100' buffer for the wetlands. He told the Zoning Board that if they were willing to grant these variances they might want to consider asking the Planning Board to rescind the ordinance.

Bud Miller spoke about the any confusion about the lots. He had bought them as two separate lots but for a time received only one tax bill from the town. Arlette Miller stated that she and her husband would respect the lake and had concern for its health. She also felt the letter from KSA had some misinformation.

Sam Vose commented that he felt more like he was before a Planning Board rather than Zoning.

Cynthia said that the Board members needed to go home and review the zoning regulations and this plan. They requested new maps from Sam, which would include:

- Requested variances listed on the plan
- The 125' line from the "frog pond"
- A 3"x3" space left blank in the upper right corner.
- A note about how roof run-off is to be collected

Sam hoped to have the new maps to the town office within a few days.

The Board continued the hearing to June 4, 2008 @ 7:30pm.

Alan P. Lewis- Request for Variance to the terms of Article III, Section B31(b), and Article VII, Section A3, to construct two room additions and a deck which do not meet setback requirements. Present: Alan P. Lewis. Mr. Lewis had prepared maps and pictures for the Board. He states that except for the deck, he is not becoming any more non-conforming. He asked the Board to consider the spirit of the ordinance rather than strict interpretation. He wanted the Board, if they told him no, to tell him what he could do.

John Trachy expressed concern about excavating so close to the pond. The increase in impervious surface would concentrate run-off. He would rather Mr. Lewis build up than out.

After a few questions, Cynthia closed the public hearing. The Board discussed the variances required and used the statement of reasons worksheet. Bill made a motion to allow the 6'x10' room addition and deny the 10'x12' room and the deck. This was seconded by Gene. Bill, Gene, Barb and Doug voted in favor, Cynthia was opposed. The reason for denial was the concern for the additional run-off at such close proximity to the pond.

Dan Mitchell-Request for Special Exception to operate a Boat valet and storage business on property owned by Michael Hansen. Present: Dan Mitchell. Dan's plan was to serve about 25 boats and use the George's Mills boat landing. He would store the boats under a power line on a gravel area on Michael Hansen's lot. Although he did bring in current photographs, the map Dan brought in was not current. The place he planned for his boats had a large building drawn on it. Dan said the building was never constructed. He planned to use another of Michael's buildings for maintenance. Cynthia wants to see a new map. She also thinks the Town of Sunapee should be notified, since it is their boat landing. The Board also felt they would need a site visit, to be scheduled at a later date. They think that they should be talking to Michael Hansen since it is his property which has a special exception. The hearing was continued to June 4, 2008 at 7:45.

The date for the June Meeting was changed to Tuesday, June 3, 2008 @7:00pm.

The meeting was adjourned at 10:30pm.

Respectfully Submitted,

Linda Huntoon Recording Secretary.