

Zoning Board

June 3, 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 (7:15), Doug George, Barbara Dunlap, Don Hill (Selectman)

Minutes: The following changes were made to the minutes of May 7, 2008: under **Ball**, paragraph 2, line 1 "The Board decided they would ask for a 10' width on the deck" changed to "The Board decided they would ask for a 10' width on the deck front and 4' on the side"; under **Dan Mitchell**, line 7 "Cynthia wants to see a new map." Changed to "Cynthia wants to see a more current map." line 9 "since it is his property which has a special exception." changed to "since it is his property which has a special exception and it would affect his initial plan." A motion was made by Barbara to accept the minutes as corrected, 2nd by Gene, all members in favor.

Ball-continued variance hearing. Present: Mr. and Mrs. Brian Ball. The Ball's wished these minutes to make clear that they had not consulted with John Trachy about Zoning issues. The Ball's did not bring in a plan. They were confused after the last meeting so they consulted on the phone with Jason Aube from DES. The Ball's said that Mr. Aube was not in agreement with disturbing the soil under the deck. They wished to submit their original plan for the deck. This plan would include plantings near the front of the deck.

John Trachy said the Conservation Commission was concerned with the less than 100' distance from the shore. He said that DES has not established rules concerning infiltration beds, and recommends that the Zoning Board insist on an infiltration bed if they approve any decks.

Mr. Ball wanted some explanation of what kind of pollutants the Board was concerned about, and how a deck would increase water velocity. He doesn't understand why he was asked for such a detailed construction plan. He says State Regulations allow for construction of a 12' deck on existing non-conforming lots.

Cynthia explained that fertilizer and engine oil would be examples of pollutants. She said that the Board had to use the Town's Ordinances to make its decision. She read aloud the 5 criteria from the Zoning Area Variance.

Don Hill spoke with the Planning Board and they believe the intent was not to restrict existing non-conforming developed lots, but Bill points out that the intent is not written in the ordinance.

Tom Duling thought it important to note that the lot has very little slope and that there is a natural berm near the shore across much of the property.

Cynthia closed the public portion of the meeting. There were several opinions expressed by members of the Board. Some felt that maybe the Board was becoming "too picky" and that it is better to err on the side of the property owner. Some felt the 75' was a good compromise, and that the property had had a deck before. Others felt that they had been hoping for a compromise in the deck's design to minimize impact, and that there was good reason for the 100' setback requirement from the lake. Though some felt there was little reason to believe this deck would cause harm to the

lake, others did not agree. The members of the Board went over the 5 criteria. Cynthia asked for a vote from the Board on whether or not they thought the Ball's application had met the 5 criteria of the Area Variance Worksheet.

- Yes: Barb, Bill, Doug
- No: Cynthia, Gene

Bill made a motion to approve the deck as originally submitted, 2nd by Doug. Gene wanted to add the condition of 4" of 1&1/2" crushed stone underneath, and Cynthia pointed out that the side deck was under the eaves. Because the building was already there, some felt putting gravel underneath would cause more disturbance. Cynthia asked for a vote on the condition:

- Yes: Cynthia, Gene
- No: Barb, Bill, Doug

A vote was made on Bill's motion to accept the original plan for the deck, allowing for construction of the deck no closer than 73' from Lake Kolelemook

- Yes: Barb, Bill, Doug
- No: Cynthia, Gene

Since the Variance passed, Cynthia requested that if there were no appeals, the Ball's file the notice of decision along with a copy of the map/plan originally submitted at the Sullivan County Registry of Deeds Office.

Miller-continued variance hearing. Present: Sam Vose and Arlette Miller. Barb stepped down, but Tom Naughton was absent. Cynthia told Mr. Vose that he would still need the Variance for the side setback from the Heath property. The Town's lawyer did not feel that easements granted by Mrs. Heath would substitute for variances granted by the Board. Cynthia asked that these be added to the map.

Sam reviewed the reasons from the original application that he feels the variances for the Miller property should be granted. He wanted to remind the Board that many of the Zoning Ordinances refer to the wetland and not the buffer. He feels this property has unique conditions-that it has two strict buffer requirements.

Arlette Miller thanked the Board for their interest and concern for the lake. She told the Board that their decision would have a big financial impact on them. She also wants them to consider the variances other non-conforming lots around the lake have been granted.

John Trachy questioned whether this application should be considered differently from a new subdivision. He wants the Board to consider whether vertebrates, invertebrates, or pond life really care if it is a new subdivision or old. All buildings and systems on this property are within the 100' buffer from the wetland. He says the purpose of the buffer is to filter out activities which generate pollutants or cause sedimentation. He feels that the landowner would not be denied the use of his property if he uses it as a seasonal or "dry" camp.

When Sam rebutted, he reminded the Board that the property does meet the setback from the lake. He also spoke to the issue of pre-existing non-conforming lots. He felt that the design of this property was trying to be the most compliant as possible with Zoning Regulations and environmental issues, while still allowing the Miller's a buildable lot.

Cynthia closed the Public Hearing.

Mr. Vose and Mrs. Miller were informed that there were only 4 Board members and that they would need three affirmative votes. After a consultation with Mrs. Miller, Mr. Vose decided to wait for a full Board. After some discussion about attendance, the hearing was continued to July 1, 2008 (Tuesday) at 7:15 pm.

Dan Mitchell: Cynthia read a letter from Mr. Mitchell withdrawing his request for special exception.

Robert Teach-Request for a Variance to the terms of Article IV, Section D of the Springfield Zoning Ordinance. Applicant wishes to construct a home within the 100' wetland buffer. Present: Robert Teach, Carl Sherblom (Septic Designer). Mr. Teach has a modular house ready to be installed. Staff for his dog business will live in this house. Mr. Sherblom presented the map. The house sits on a plateau. All the run-off from the septic system and the house would be away from the wetland. Also the trees between the house and the wetlands would be undisturbed. The septic system meets all setbacks.

The Board wished to schedule a site visit. Because of scheduling issues they elected to meet the following night at the property at 333 Georges Mills Road. The Hearing was continued until the site visit at 5:30 June 4, 2008 and then the Hearing would continue, following the site visit, at 6:00 pm on June 4, 2008

Miscellaneous Business: There was discussion about:

- Requesting advice from the Conservation Commission.
- rules of procedure of the Board
- What kinds of conditions can be added to variances granted
- Compliance and the possibility of a code enforcement officer

The board reviewed more of its by-laws. The date for the July meeting will be Tuesday the 1st.

The meeting was adjourned at 9:45.

Respectfully Submitted,

Linda Huntoon Recording Secretary.