

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
July 10, 2014
7:00 PM

Meeting called to order by Chair Electra Alessio, present, Ray Donald vice chair, Daryl Branch, John Whittier, Peter Coffin. Mr. Donald made a motion to approve the minutes for the June 12, 2014 meeting, Mr. Whittier seconded, all in favor. A discussion followed regarding special exceptions being conveyed with the property not the owner.

Tax Map R-32, Lot 9-D

Mrs. Diane Kolbe stated she would like to create an apartment for her elderly mother. Mrs. Kolbe stated she believes they meet all the requirements, and provided an approval for the septic system plan. Ms. Alessio asked if anyone from the audience would like to speak in favor or opposition to the request. Ms. Alessio stated both Health Officer Broderick, and Building Inspector Steward had submitted letters stating the request met all criteria of the Accessory Family Apartments Ordinance. Mr. Whittier made a motion to grant the special exception, seconded by Mr. Coffin, all in favor. Ms. Alessio provided a letter for the applicant to record with the Registry of Deeds. Ms. Alessio explained the thirty day waiting period.

Tax Map U-9, Lot 1

Mr. Gaetan Dostie stated John Barber, JD Barber Construction stated he believes that literal enforcement of the ordinance causes unnecessary hardship to the homeowner, and the spirit of the ordinance is being observed. Mr. Barber stated Thomas Jefferson put a metal roof on his house in 1802 typically painted green. Mr. Barber stated the property values of the surrounding houses would not be negatively affected. Mr. Barber stated the variance is in the public's best interest to fix the house otherwise it would deteriorate. Mr. Barber appealed to the boards common sense on an older house metal roofing is a good option being light weight and holds up well. Mr. Dostie stated he was retired and his wife is bedridden and it was a financial matter. Mr. Dostie stated if he had to remove the roofing he would have to put up a blue tarp. Mr. Barber noted homes in the area with solar panel and vinyl replacement windows. Ms. Alessio noted part of the problem was that a building permit was not acquired prior to the commencement of the construction. Mr. Dostie stated he was never approached by the Historical Society regarding how

to maintain his home, and had lived there for 18 years. Mr. Dostie stated he was trying to maintain the beauty of his home. A discussion followed regarding how whether there was new information or if an error was made by the HDC. Mr. Glen Coppelman planning board representative to the HDC stated the HDC had to look at the application as the project was ongoing. Mr. Coppelman stated the project was stopped by the select board. Mr. Coppelman stated had the permit been obtained the selectman's office would have informed the property owner of certain requirements because the home was in the Historic District. Mr. Coppelman stated the HDC struggled with the decision, noting the homeowner had put a lot of effort, work and money into the project. Mr. Coppelman stated the HDC sympathized with the homeowner. Mr. Coppelman stated the HDC felt that the proposed change in roofing was not consistent with the regulations due to the material and how it relates to other properties. Mr. Coppelman stated it was the HDC opinion that metal roofing is used often on older homes in more rural areas but not in the village setting. Mr. Coppelman stated there was also issues about how the roofing was being put on, covering architectural details along the roofline. Mr. Coppelman stated for these reasons the application was denied. Ms. Alessio spoke about when the building was built and what materials were available. Ms. Alessio stated she was having a hard time understanding why metal roofing wouldn't be acceptable. Mr. Coppelman stated it was not that it can't be used in the Historic District, the HDC had just approved a metal roof on a barn in Historic District #2. Mr. Coppelman stated it is the relationship of the materials to other buildings in the immediate area. Mr. Whittier asked about a metal roof already in the district. Mr. Coppelman stated yes that it was approved by the HDC. Mr. Whittier stated there was no attempt on the part of the owner to seek approval in advance, but the fact that there is a metal roof in the district tells him that a metal roof is appropriate. Mr. Whittier asked about the color being objectionable, and stated he was concerned about covering the architectural features. Mr. Barber stated none of the features would be covered. A discussion followed regarding the gutters and the possibility of re-painting the metal roofing. Mr. Coppelman stated they had asked the applicant about shingling the front part of the house and the homeowner indicated they weren't prepared to do that. A discussion followed regarding an asphalt roof meeting a metal roof, or using a more compatible color on the front half. Mr. Coppelman stated the challenge was to decide whether the HDC made an incorrect or correct decision, the applicant did have the option to go back to the HDC and discuss other options. Ms. Alessio agreed. Mr. Coffin made a motion to deny the appeal, Mr. Donald seconded, all in favor. Ms. Alessio strongly suggested the applicant work with the HDC.

Tax Map R-11, Lot 12-1, Lot 12-2-A

Ms. Alessio stated she had received correspondence from the applicant's attorney withdrawing the application for an appeal of administrative decision and also received a notice of decision from the judicial branch Superior Court that the motion for voluntary non suit which was granted. Ms. Alessio stated it was no longer continued and the applicant had lost the time on the appeal.

Tax Map R-39, Lot 10

Mr. Russell Prescott stated he would like to move a shed from one side of barn to the other side making it an attachment to the garage. Mr. Prescott stated the placement for a garage there is flagged wetlands, they had been through the process of a new leach field. Mr. Prescott stated the placement of the garage would preserve the historic view of the homestead. Mr. Prescott stated by moving it closer to the river it would be visible and if it was moved to the hayfield it would obstruct the ability to make hay. Mr. Prescott stated in order to work on the mill a wetlands permit would be required. Mr. Prescott stated part of the foundation is in Little River and they needed to excavate to make a better foundation. Mr. Prescott stated the dam has fallen down and needs to be repaired. Mr. Prescott stated he would like to reconstruct the dam as close as he can to the 1939 inspection and drawings by an engineer. Mr. Prescott stated he wanted to preserve this is a very unique property, the mill was built around 1710 and the colonial was built in 1737. Mr. Prescott stated he would like to get the mill to operate. Ms. Alessio summarized the request. Mr. Whittier stated the distance was not relevant because there was several different distances. Ms. Alessio stated because it is in the wetland district he needed a special exception to do the work. Mr. Donald asked if the applicant had been in touch with DES. Mr. Prescott stated the permit had been applied for June 11 is the acceptance date from the State of New Hampshire. Mr. [redacted] stated he had concerns about the dam, and its affect the water level in the pond adjacent to his property. Mr. Donald suggested speaking with the DES regarding the concerns. A discussion followed regarding the dam, ponds, spillways and mills. Ms. Alessio read a correspondence from Conrad Magnusson in support of the project. Mr. Coffin read the special exception form and each requirement was discussed. Mr. Donald made a motion to approve the request for a special exception, seconded by Mr. Whittier, all in favor. Ms. Alessio explained the thirty day waiting period.

Tax Map U-5, Lot 35

Mr. Daniel Birdsall stated they would like to provide safe access to the shoreline. Mr. Birdsall stated there was an issue with the permeability of the lot. Mr. Birdsall stated with the changes proposed they would be slightly above the 20% limit. Mr. Birdsall stated they were adding a lot of permeable surfaces. Mrs. Nancy Birdsall stated they would like to install walls to stop the erosion. Ms. Alessio complimented the Birdsalls on their photos and information provided with their application. Mrs. Birdsall stated the conservation commission came to the property. Mr. Birdsall stated they had made some revisions per their recommendations. Mr. Donald asked about preventing runoff during the construction phase. Mr. Birdsall stated they would be installing a silt fence. Mr. Donald asked if the state would be monitoring. Mr. Birdsall stated they had applied to the state. Mrs. Birdsall stated the project would not affect the shoreline. Mr. Whittier stated the closest wall would be 26 feet from the shoreline. Mrs. Birdsall confirmed and stated it would be replacing an existing rail road tie wall. Mr. Coffin asked about the US Army Corps of Engineers form impervious surface calculations. A discussion followed. A plan was provided and reviewed. It was determined that the numbers on the application did not correctly represent the proposed impervious surface. A discussion followed regarding driveways, drywells and drains. Another discussion followed regarding the calculation of impervious surface. It was determined that the accurate existing coverage is 18%. Mrs. Birdsall asked if the application could be amended. Ms. Alessio stated yes, and the motion would reflect the change. Mr. Coffin made a motion to approve the application for a special exception, impervious material not to exceed 22%. Mr. Whittier seconded, all in favor. Ms. Alessio explained the 30 day waiting period.

Tax Map R-25, Lot 3

Mr. Jeff Gleason provided updated drawings. Mr. Gleason explained that the original concept came while observing groups, and the difficulty of participants with physical disabilities trying to get around. Mr. Gleason stated the opportunities at the camp for these individuals is limited. Mr. Gleason stated they would like to build a tree house, and chose the site taking into consideration the shore land and wetland areas. Mr. Gleason

stated it would be the best area, located on a hill without encumbrances, and all participants of the Camp would be able to access. Mr. Gleason stated the original plans did not show the full wrap around porch and ramp. Mr. Gleason stated they need the variance, as a non-conforming use in a single family residential area. Mr. Gleason stated the construction would expand that use and asked for approval to build this structure for the use of all participants with or without mobility issues. Ms. Alessio read a memo from the Planning Board. Mr. Donald asked about wetland setback encroachments. Mr. Gleason stated it would be well outside all setbacks. Ms. Alessio stated the applicant would still have to go before the Planning Board for site plan review. Ms. Alessio stated the applicant needed a use variance, all five criteria were reviewed and passed unanimously. Mr. Donald made a motion to approve the variance, Mr. Coffin seconded. Ms. Alessio explained the thirty day waiting period.

Ms. Alessio adjourned the meeting at 9:13

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment