

Zoning Board of Adjustment
January 26, 2021
Minutes

Members Present via Zoom: Scott Lees, John Krebs, Craig Niiler, Jake Stephan, John Quigley (A), and Denny Anderson (A)

Members Absent: Karl Ogren, Tim Cupka (A),

Others Present: Janice Zecher, Recording Secretary, Paul Elie – Conservation Commission, and Anne Cunningham – Planning Board

Scott called the meeting to order at 7:00 pm. Roll call completed. Scott stated that Denny and John would be called upon as voting members. John stated that he is unable to vote on the first case. Scott reviewed rules of procedure for the meeting.

Minutes of the December 15, 2020 meeting were reviewed by the board: Motion to accept minutes as written made by Denny, seconded by Scott. John K. discussed the bottom of page 1 pertaining to Section 2101.2.3 and if there was any language resolution regarding foundation certification by the Zoning Officer when question of proximity to a lot line exists. Anne Cunningham followed up with language sent by email for clarification of language approved to go on the ballot reciting it as follows:

“2101.2.3 Foundation/footing requirements for structures shall establish conformance with setback and/or variance requirements without requiring a full lot survey. The certification must be prepared by a NH licensed land surveyor and the location of the foundation/footings shall be approved by the zoning officer before the pouring of concrete.

2101.2.3.1 In any case where the zoning officer is uncertain if a structure on a plot plan meets setback requirements, he/she has the authority to require a boundary/footing certification.

2101.2.3.2 In any case where the Zoning Board of Adjustment grants a variance to place a structure into any setback, the applicant shall have a foundation/footing certification. Note: Variances are granted to the furthestmost point of the structure, so footings must be recessed to accommodate overhangs or other features.”

John K. requests this be added to the minutes based on the length of discussion. Anne to copy and paste to Janice to include in the minutes. No further discussion. Roll call to accept:

John Quigley – Yes

John Krebs – Yes

Denny Anderson – Yes

Jake Stephan – Yes

Scott Lees - Yes

Public Hearings

Case # 01-01-01-20 Devin & Lance Bolduc *continued from December 15*

Applicant seeks an appeal for a Variance under Article 4, Section 406 as it pertains to septic tank or leach field being closer than 125 feet to a wetland. The applicant wishes to subdivide 3.32 acres from lot 01-01-01, construct a septic system and 2-bedroom garage/apartment on the new lot.

Craig will sit on this case in place of Denny. Mark McConkey stated he is still working on the drainage analysis for the applicant, and discussing the drainage plan with Road Agent Scott Brooks. Plan is unavailable at this time so a request to continue until next meeting. Denny questioned the public notice not address the

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retaining wall. Janice stated that the application for the retaining wall has not been received yet which is why it was not noticed. Mark has staked out the retaining wall in case anyone would like to complete a site visit in the next few weeks. Abutter Steve Becht questioned the height of the retaining wall? Scott responded that it will be addressed with the new application at the next meeting.

Scott made a motion to continue until the February meeting. John Q. seconded. No further discussion. Roll call to accept:

Scott Lees - Yes

Jake Stephan - Yes

John Krebs – Yes

Craig Niiler - Yes

John Quigley – Yes

Case #15-6-21 Heidi & Matthew Glavin

Applicant seeks an appeal for a Special Exception under Article 9, Section 904-904.2 as it pertains to Accessory Dwelling Unit, and a Variance under Article 3, Section 304.3 as it pertains to setbacks. The applicant wishes to build a detached barn with an accessory dwelling unit at Map 15, Lot 6, 311 Burnham Road.

Jake, John Krebs, Denny, John Quigley, and Scott will sit on this case. Applicant Heidi Glavin reviewed the application for a detached dwelling unit and due to the abnormal shape of the property and the location in which they would like to place the dwelling, she is seeking a variance for setbacks. Scott recommends proceeding with the request for the detached dwelling at this time. John K. requested a review of buildings on the plan. Heidi clarified #1 and 2 are greenhouses, #3 is a 12x4' shed, #4 potting shed, #5 house, #6 proposed barn, #8 dug well, #8a dry well, #9 septic tank, #10 leachfield. Scale=1 block=5'. Denny questioned why it cannot be attached to the house. Heidi responded that it would enclose the bulkhead and porch entrance to the house. The right side of the porch is attached to the kitchen and is an entry point. Variance for rear setback is unknown at this time. John Q. questioned the size of the barn. Heidi responded that it is 24x24 with a 12' lean-to. John K. questioned availability of a survey. Proximity is for ease of access to the dwelling unit while not blocking the bulkhead access. John K. suggested utilizing the survey and septic plan to determine the length of requested variance of back corner. Jake reviewed the ordinance in relation to accessory dwellings and the question of whether the property can be condominiumized. This is not the intention with a 5-acre parcel. Craig reviews sections on ADUs in section 904.2 and 904.3.6... "not intended for individual ownership". Living space on the ground level of the barn is noted at 576 square feet. Denny requests a better layout of the house itself for review. John K. only requests the house and barn depicted in proximity to the property lines as well as a picture of the front and side elevations of the house to understand why the barn cannot be attached. Scott requested inclusion of the pool on the plan as well. John K. reviewed the possibility of unique situations like this that may require zoning ordinance amendment. No comment from abutters. Anne, standing in as acting Zoning Officer, reviewed the ADU-applicable ordinance changes in 2011 and 2016, decision was made to wait and see how other towns are handling it. The Planning Board was not clear enough in 2020 to address further change but she anticipates it will come up again for next year. Scott reviewed additional requested information as follows: Plan showing house, proposed barn and pool and the proximity to the property lines as well as photos of the front and side elevation of the house. Scott made a motion to continue to the February meeting. Denny seconded. No further discussion. Roll call to accept:

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Jake Stephan – yes
Denny Anderson – Yes
John Krebs – Yes
John Quigley – Yes
Scott Lees – Yes

Case #24-14-01 Paul & Joy Nowak

Applicant seeks an appeal for a variance under Article 6, Section 607 as it pertains to septic systems requirements for increasing the number of bedrooms in an existing dwelling unit. The applicant wishes to construct a septic system in relation to waterways and excessive tree cutting and removal at Map 24, Lot 14, Haverhill Street.

Jake, Craig, Scott, Denny, and John Q. will sit on this case. Mark McConkey and Jake McConkey are present as agents. Mark reviewed the lot as vacant that is unusual in that it has a stream running through it. No variance is required for the house but is required for the septic system and septic tank. Proposed 4-bedroom septic field is 82.09' at its closest point to the stream and tank is 117.37'. There is little opportunity to place elsewhere. Existing driveway formalization is in the works with the Road Agent. Elevation on the lakeside of the property is less than 12% and lot is noted as heavily wooded but tree removal is necessary and will provide an obstructed view of the lake. Scott questioned presence of wetlands. Mark clarified that it is a stream running through Mountview, not wetlands. Question of whether it is depicted on the wetlands map. Paul Elie, Conservation Commission, confirmed it is not depicted but a map change has been requested of LRPC. No abutters. John K. questioned the notice posting expansion of dwelling. Mark responded that the application noted construction of a new home as the intention but there is no existing system. Janice also responded that the application must be noticed as it was denied for not how it was applied. Jake McConkey confirmed lot line verification was verified utilizing Paul King's survey in relation to sideline setback question posed by John K. Abutter Colleen Foligno stated concern with the way the case was noticed as there is no existing dwelling. Scott reviewed the issue with the denial that was given by the Zoning Officer resulting in the incorrect noticing. John K. questioned the area in front of the proposed house and erosion control plan. Denny questioned the plan for the building encroaching the property line. Property owner Greg Nowak responded that the plan is to demolish the abandoned building. Mark confirmed they will have to file separately for construction for a special exception for land disturbance. Craig reviewed the application as applied versus what the meeting was noticed for. The Zoning Officer did not provide comment on the erosion control which is why it was not noticed. Mark requested a ruling on the septic system then they can come back and address the erosion control. Scott requested roll call to grant a variance for the leachfield and septic tank to be within 125' of a wet area:

Scott Lees – Yes
Jake Stephan – Yes
Denny Anderson – Yes
John Quigley – Yes
Craig Niiler – Yes

Conditions noted as per the plan of Paul Nowak of 11 Orchard Lane dated 12/8/2020.

Communication & Miscellaneous

John Quigley announced his resignation with this being the last meeting he will be attending. Thanks to John for his participation.

John K. stated that John Q. and Denny have been very active alternates and a request should be sent to the Board of Selectmen for appointment of active alternates. Scott will craft a letter to present to the Selectmen acknowledging John Q.'s years of service on the Board as well as a request for two alternates. Scott requested any recommendations be forwarded to him.

There being no further business before the board, Craig made a motion to adjourn, seconded by Denny. Meeting was adjourned at 8:30 pm.

Respectfully Submitted,

Ellen White (transcribed from Zoom recording)