

# DRAFT MINUTES ZONING BOARD OF ADJUSTMENT 8/10/2011

Chairman Larry Prelli called the meeting to order at 7:00 PM.

**Roll Call:** Larry Prelli (Chairman), Mike Hoffman (Vice-Chairman), Wendy Anderson, David Shagoury, Helen Wellman.

**Kodiak Woods:** Chair Prelli asked if the applicants perceived any Board member with a potential conflict of interest on this case. They did not. David Allen provided copies of letters from the Town Engineer and the Town's natural resource consultant, and also letters from the Planning Board and Conservation Commission.

Malcolm McNeill presented the application by True Value Land and Homes, LLC for 4 Special Exceptions according to the terms of Article IX.E. Wetlands Conservation Overlay: Special Exceptions in order to construct roads across delineated wetlands as part of the Kodiak Woods Subdivision. The property is located on Birch Hill Road at Tax Map 239-001.

Mr. McNeill provided a history of the subdivision project, noting that final approval was given for 23 lots instead of the 29 initially requested by the applicants. He said that Stony Ridge Environmental Services had conducted the wetlands delineation and analysis for this project and asked Cindy Balcius, President of the organization to explain each of the wetlands and the road crossing planned for this site.

Ms. Balcius gave a detailed explanation of each wetland site, and the efforts of the applicant to minimize wetland impact. She described the nature and size of each of the proposed road crossings. She mentioned that she had submitted applications to the New Hampshire Wetlands Board for state crossing permits and all of those had been granted.

Mr. McNeill referred to the letters from the engineer, natural resource scientist, Planning Board, and Conservation Commission and pointed out that all of them said they were satisfied the road crossings would not result in any negative impacts on the wetlands.

Chair Prelli opened the issue for public hearing. Cathy Orlowicz spoke as an abutter and a member of the Planning Board at the time the Board had reviewed the actual subdivision application. She said she would be happier without the subdivision in her back yard, but she felt the applicants had met all concerns the Planning Board had when it reviewed the application and done a thorough job in protecting the natural resources.

There were no other public comments and Chair Prelli closed the public hearing. Board members briefly discussed the application, indicating that no concerns had been identified.

**Larry Prelli moved to grant Special Exceptions for each of the proposed road crossings, under the terms of Article IX.E, to True Value Land and Homes, LLC as part of their 23 lot Kodiak Woods Subdivision, located on Birch Hill Road at Tax Map 239-001. David Shagoury seconded. Approved unanimously.**

**Healey** Administrative Appeal: David Shagoury said he will recuse himself from participating in this decision because he has done much work with the contractor hired by Gullmar and Shirley Nelson. The Healeys have requested a 5-member board, and Mr. Shagoury's recusal leaves four board members. David Allen said the applicant had asked that the issue be continued to the September Board Meeting. Chair Prelli announced that the application would be continue to 7 pm, September 14, 2011 at the public library.

**Leahy:** Joe Maynard of Benchmark Engineering presented the proposal on behalf of the applicants. David Shagoury said he will recuse himself from participating in this decision because he has done work for the applicant, and has worked with all of the contractors.

Chair Prelli asked the applicants if they perceived any Board member with a potential conflict of interest on this case. They did not. He informed the applicants they had a right to a 5 member board and asked if they were comfortable proceeding with a 4 member board. They agreed.

Mr. Maynard presented the proposed plans for the Leahy property. Marjorie Leahy is requesting a Variance from Article XVIII Section F.2.d to increase the impervious surface to approximately 30% in order to tear down the existing structure and replace it with structure with a larger footprint. The request is filed on behalf of Marjorie Leahy.

They want to removed the existing structure and replace it with a new house that is setback 37' from the lake instead of the 13' setback of the current structure. They also

want to relocate the driveway so that no part of it has a slope greater than 15%, and repave it with a permeable paver. The plan also calls for installation of two dry wells, each with a capacity of 1700 gallons of water. Mr. Maynard pointed out that by taking these measures they will disconnect approximately 10% of the impermeable surface from the stormwater flowage, leaving less than 20% net impermeable surface.

David Allen pointed out that the Stormwater Management Ordinance allows up to 30% impermeable surface if 10% or more is disconnected from the stormwater flowage.

Board members informed themselves more about the ordinance. They agreed by consensus that the plan meets the terms of the Zoning Ordinance and does not require a variance.

**Fillion:** Chair Prelli noted that significant information that the Board needs is missing making it premature for the Board to take up the case.

**Mike Hoffman moved to continue the request for a variance from Article IV, Section A by Mr. Joseph Fillion, 91 Ridge Road, Map 260-033 to 7 PM September 14 at the public library. Dave Shagoury seconded. Approved Unanimously.**

**Minutes of July 13:** David Shagoury moved to approve the minutes as written. Larry Prelli seconded. Approved unanimously.

Larry Prelli moved to adjourn. David Shagoury seconded. Approved unanimously.

Respectfully submitted,

David Allen,  
Land Use Administrative Assistant

Minutes accepted by ZBA on 10/19/2011