

**Zoning Board of Adjustment**  
**August 20, 2007**

**Members Present: Elizabeth Ashworth, Chair; Katheryn Holmes, Vice-Chair; Steve Russell; Barbara Richmond, Alternate**

Ms. Ashworth called the meeting to order at 7:30 p.m.

*At 7:30 p.m., Cindy & David Lapp, property located at 103 Bay Point Road, Newbury, NH will seek a Variance as provided for in 7.3.2 to permit the following: Reconstruct a home on an existing nonconforming lot situated within the 75' shoreline setback. Newbury Tax Map 007-166-398.*

Ms. Ashworth appointed Ms. Richmond as a voting member for this evening's hearings.

Present to represent Mr. & Ms. Lapp was Frank Anzalone, Architect and Charlie Hirshberg, Civil Engineer. Mr. Anzalone explained the nature and scope of the proposed project.

The Lapp's purchased a home and want to repair and upgrade the house which is currently only 12 ft. from Lake Sunapee. There are structural deficiencies throughout the house and a grass lawn from the house to the lake. Mr. & Ms. Lapp decided to tear down the existing house and construct a new home as far away from the lake as possible and bring back the vegetation that is natural to the area. There are several restrictions to this site. The lot is very narrow and contains some wet areas. In 2000, there was a Clear Solution septic system approved and installed as far away from the lake as possible, which now governs where the new home can be placed on the lot. The main home will be 32 ft. back from the lake with a 10' deck being 22 ft. back from the lake which is as far back as possible and still remain in compliance with the septic system setback. The current house is a four-bedroom house.

Ms. Ashworth asked Mr. Anzalone what is the difference in the square footage between the old and new house.

Mr. Anzalone stated that the old house is 1,448 sq. ft, and the new house is planned to be 1,538 sq. ft., an increase of 200 sq. ft. That increase includes a little bit bigger bedrooms, stairs built to code, and an attached garage.

Ms. Richmond asked if the existing detached garage will stay.

Mr. Anzalone stated that the existing detached garage will stay and be used for storage.

Ms. Holmes asked Mr. Anzalone if he sought a waiver from DES.

Mr. Anzalone stated that they have applied for a waiver but it has not yet been approved or granted. There is an issue with a pipe and with the driveway surface that needs to be resolved. The State would prefer a porous pavement, but that creates problems with snow clean-up. The pavement is oil-based which is not good near the lake and the pores tend to fill

with sand and dirt and loses is permeability. Other options are being explored. The best one so far is crushed stone along the edges which will allow water to drain into the drainage system along the side of the building.

Mr. Hirshberg explained that part of the driveway passes over the leach field so they don't want to put a porous surface over the leach field because the surface will trap the water and run the risk of saturating the leach field with surface water. The better choice would be to leave the gravel surface of the driveway and crown the surface in an effort to direct the water to the edges of the driveway where it will drain in small sections and be directed to a specific location. The driveway is just under 200 ft. long from Bay Point Road to the end of the leach field.

Ms. Holmes asked Mr. Hirshberg where the water from the wetland across the road drains.

Mr. Hirshberg explained that the water comes to a culvert, drains into wetland areas and then gently disperses. It is currently dry now, but it does run in the spring.

Ms. Holmes commented that if the driveway is paved, the surface runoff will drain like a sluice.

Mr. Hirshberg stated that some of the surface water will sheet off, but nearer the house the water will drain as in a drip edge and then be directed to a system around the house.

Ms. Holmes asked if this home will be used year 'round.

Mr. Anzalone said it will be built as a year 'round house but probably only used on weekends and vacations.

Mr. Hirshberg stated that there are no longer seasonal dwellings because of the building codes. Everything has to be built to certain codes which support year 'round living.

Ms. Holmes commented that building within the buffer zone is not allowed.

Mr. Hirshberg commented that a new foundation can be put in, but if the project does not meet State setbacks, a waiver can be obtained.

Ms. Richmond asked how deep the foundation will go.

Mr. Anzalone explained that the intent is to maintain the footings to approximately four feet down but above the water table. This will result in part of the basement being a full basement and the other part being just a crawl space due to the contour of the land.

Ms. Holmes asked if there was much surface water running in to the lake under the current conditions.

Mr. Hirshberg stated that there is currently some water that gets into the lake from across the road and off the roof. There is nothing other than grass to catch the water.

Ms. Ashworth asked Mr. Anzalone what is the status of the waiver from DES.

Mr. Anzalone explained that it has been filed, but the two issues previously mentioned are still being addressed. No decisions have been made or waivers granted at this time.

Mr. Hirshberg asked if a decision could be rendered by the Zoning Board of Adjustment contingent upon the DES waiver.

Ms. Ashworth commented that for the Zoning Board's standpoint, it is a stronger case for the applicant if there is an approval from the State already in hand. Otherwise the Board is conditioning its approval on plans that do not exist.

Ms. Ashworth polled the Board members to see if they want to continue the hearing and make the approval conditional upon the State's approval.

Ms. Holmes commented that it would probably work in the favor of the applicant to have the waiver from the State first and prefers that the Board continue this hearing.

Mr. Russell commented that he agrees with Ms. Holmes, that it is better for the applicant and better procedurally for the Board for the applicant to have the waiver in hand.

Ms. Richmond commented that she agrees with Ms. Holmes and Mr. Russell.

Mr. Russell made a motion to continue this hearing until Monday, August 27, 2007 at 7:30 p.m. Ms. Holmes seconded the motion. All in favor.

***At 7:45 p.m., Cindy & David Lapp, property located at 103 Bay Point Road, Newbury, NH, will seek a Variance as provided for in 5.9.1 to permit the following: Reconstruct a home on an existing nonconforming lot situated within the 15 ft. setback from the side and rear property lines. Newbury Tax Map 007-166-398.***

Ms. Holmes made a motion to continue this hearing until Monday, August 27, 2007 at 7:30 p.m. Ms. Richmond seconded the motion. All in favor.

Ms. Richmond made a motion to adjourn. Mr. Russell seconded the motion. All in favor. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary