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DRAFT
Zoning Board of Adjustment
August 11, 2008

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

Ms. Ashworth called the meeting to order at 7:05 p.m. The Board reviewed the minutes of July 14, 2008 and made corrections.

Ms. Holmes made a motion to accept the minutes of July 14, 2008 as corrected. Mr. Russell seconded the motion. All in favor.

Ms. Ashworth informed the Board that the NH Fall Planning & Zoning Conference is scheduled for Saturday October 25, 2008 at Loon Mountain in Lincoln, NH.

Ms. Ashworth informed the Board that she received a copy of the Management Plan for the Lake Sunapee Watershed for any Board member who would like to review it.

At 7:15 p.m. the Parry Family Trust, property located at 9 Old Mill road, Newbury, NH, will seek a Variance from the requirements in Paragraph 5.3.2 & 7.4 of the Newbury Zoning Ordinance to permit the following: construction of a storage shed within the required sideline setbacks. Newbury Tax Map 007-233-313.

Philip Parry explained that he is seeking permission to construct a shed within the sideline setback from Old Mill Road. He stated that the primary purpose for the shed is that there is a problem during the spring, summer and fall with runoff and groundwater. Currently, the only storage on the property is a 3 ft. crawlspace under the house. That is where the tools, lawn mover, chairs, boating accessories, etc. are stored. Because of the moisture in the ground, it is very difficult to maintain the items because they get covered with dirt, mud splatter and mildew/mold. There is no way to alleviate the water problem. Mr. Parry explained that last year he started to construct a shed, unaware that he needed a permit to build. Therefore he stopped the construction and is trying to go through the proper channels. Because of the location of the septic system and the location of the propane tanks, there is no place else to locate the shed. Last year there was a failed cesspool which was replaced a clean solution system, which required the removal of several trees. The proposed dimensions of the shed are only 7.5 ft. x 10 ft., which is very small. Mr. Parry stated that he would like and needs a bigger shed but is only asking for one big enough to get under cover the cloth items, gas cans and other items that need to be kept dry in addition to fire wood.

Mr. Parry addressed the variance criteria. He stated that 1. The use is not contrary to the public interest. Lots of items are now stored under the house, which is less than 50 ft. from the lake. The proposed location of the shed will be more than 100 ft. from the Lake.

1 This will help keep the chemicals from lawn mowers, weed whackers, etc. from leeching
2 into the Lake. The use is not out of character of the neighborhood. Most of the home
3 owners in the neighborhood have outbuildings on their properties. 2. The Special
4 conditions existing which contribute to unnecessary hardship. There are primarily three
5 properties that are adversely affected in this immediate area; the Brown property, the
6 Gobin property and the Parry property. The Brown's and Gobin's also have outbuildings
7 for storage. The hardship is unique to the property, because it does not matter who owns
8 the property, the water problem will still be there. Parameter drains cannot be installed
9 because there is nowhere to pump or direct the water without adversely affecting a
10 neighboring property or the Lake. 3. This use is consistent with the spirit of the
11 ordinance. The ordinance is designed to protect and preserve the value of neighborhoods
12 and natural environments. Construction of this shed would allow the Parry's to do that
13 by avoiding storage of chemicals under their house. Mr. Parry stated that any use that is
14 permitted by the zoning ordinance cannot be considered contrary to the ordinance. A
15 shed is a permitted use. This is not going to be living space, therefore density is not
16 affected. 4. Substantial justice would be done environmentally for reasons previously
17 stated. Storage of chemicals in a shed 100 ft. from the Lake is much better than in an
18 open, damp crawl space 50ft. from the Lake. 5. The view of surrounding properties will
19 not be diminished substantially. The neighbor's view of the Lake may be impeded
20 slightly by the shed, but it has also been increased significantly from the removal of trees
21 last year for the septic system. Some of the underbrush and vegetation has also been
22 cleared out. Mr. Parry stated that the abutters do not have a common law right to a view,
23 but even so, he tried to keep the shed as small as possible for that reason. He informed
24 the Board that he constructed a 6 ft. fence around his property for aesthetics and to keep
25 their dogs contained on their own property. The proposed shed will be well-constructed
26 and similar to the style of the house.

27

28 Ms. Holmes asked Mr. Parry if he had a picture or sketch of the proposed shed.

29

30 Mr. Parry stated that he did not have a picture or sketch of the proposed shed, but it is
31 described in the narrative submitted with his application. It will have shingles and
32 scalloped style vinyl siding. Double doors will face the Lake to make it easier to get in
33 and out with lawn furniture and bulkier items. There will be one door opening out on the
34 yard side with a window. It is proposed to be 6 ft. 8 in. tall with a pitched roof over 7 ft.
35 6 in. Therefore the roof will be relatively flat.

36

37 Ms. Ashworth opened the meeting to questions from the Board.

38

39 Ms. Holmes commented that she is concerned that there is no drawing or sketch for the
40 Board to review. Also, she commended Mr. Parry for having a clean solution septic
41 system installed. She asked Mr. Parry if he considered having a clean solution system
42 installed that could be driven on.

43

44 Mr. Parry stated that he did not consider such a system because he never intended to need
45 to drive over the system.

46

1 Mr. Parry provided photographs of a platform he began last year as the floor of the shed
2 before he realized he needed a permit for a shed. He informed the Board that he picked
3 the low-point on the lot for the placement of the shed so that it would be the least
4 obstructive to the view of the Lake for the neighbors. He stated that the cottage has been
5 winterized so that it can be used during the winter.

6
7 Mr. Parry stated that there was very fine pea-stone used when the septic system was
8 replaced last year and anticipates silt fence and gutters with a spout to direct the water
9 run-off for the shed. Additionally, there is an artesian well on-site which was put in place
10 when the septic system was installed.

11
12 Ms. Holmes asked Mr. Parry what kind of foundation is under the house.

13
14 Mr. Parry stated that the foundation is open except for lattice work around the outside.

15
16 Ms. Holmes asked Mr. Parry if the building inspector talked to him about building
17 density when he applied for the building permit.

18
19 Mr. Parry stated that the building inspector did not mention density. He commented that
20 the lot is difficult to develop because it is only 4,000 sq. ft., but he is trying to make the
21 best of a difficult situation. It is not viable to store everything in the house or on the
22 porch.

23
24 Ms. Holmes observed that there was stone on the south side of the house and asked Mr.
25 Parry if that was an attempt at erosion control. She mentioned to Mr. Parry that rain
26 gardens are a very effective and beneficial method of dealing with run-off and absorption
27 of ground water and advised him that the whole property should be evaluated to
28 determine where the water is coming from and where it is going to. This proposed shed
29 would be making more impervious surfaces on an already very small lot. Perhaps if there
30 was less grass and more vegetative planting to stabilize the ground, the ground water
31 would not be so overwhelming. This site is definitely a surface water run-off challenge.

32
33 Mr. Parry agreed with Ms. Holmes commenting that he is in an unfortunate situation
34 because he cannot divert the water off the lot without adversely affecting a neighbor or
35 the Lake.

36
37 Ms. Holmes stated that the Board needs to see a permanent erosion control plan, which is
38 missing from the application.

39
40 Mr. Russell commented that what he sees is that Mr. Parry is creating another impervious
41 surface on a very small area. There is a large house on a small lot, and the proposed shed
42 is not going to help the drainage problem. He asked if this is not a permanently occupied
43 house, then why does it need a permanent shed. He speculated that the items to be kept
44 in the shed could be placed in a temporary shed and transported to the property when
45 occupied. He stated that he agrees with Ms. Holmes' comments regarding the need for

1 more plantings and rain gardens to absorb the ground water. The property needs more
2 vegetation not more impervious surfaces.

3
4 Mr. Parry commented that they spent a lot of money vegetating the property with more
5 gardens on the interior side of the fence. The additional gardens are not seen in the
6 pictures presented because that was not the focal point for the pictures. There are native
7 plants planted and rocks and old-growth trees have been removed. He stated that he is
8 willing to install rain gutters and direct the run-off to a centralized location if required.
9 Additionally, he commented that there would be several truck's full of items if he
10 brought everything back and forth to the cottage.

11
12 Ms. Holmes asked Mr. Parry how he knows that the shed will not impact erosion or run-
13 off.

14
15 Mr. Parry stated that he does not know that for sure, but by placing stones and erosion
16 control fabric hopefully the impact will be slim to none.

17
18 Ms. Holmes commented that if Mr. Parry addresses the flow of the existing conditions,
19 he may not even get any water under the house. It appears that the real problem with this
20 lot is a water problem more than a storage problem.

21
22 Ms. Ashworth commented that impervious surfaces do create run-off. In addition to the
23 lack of a sketch of the proposed shed, this application is missing an erosion control plan.

24
25 Mr. Russell made a motion to continue this hearing until September 8, 2008 at 7:15 p.m.
26 at which time the erosion control plan and sketch of the proposed shed will be reviewed.

27 Ms. Holmes seconded the motion. All in favor.

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29 Mr. Russell made a motion to adjourn. Ms. Richmond seconded the motion. All in
30 favor. Meeting adjourned at 8:30 p.m.

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32 Respectfully submitted,

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36 Linda Plunkett
37 Recording Secretary