

DRAFT
Zoning Board of Adjustment
Minutes of October 20, 2008

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

Ms. Ashworth called the meeting to order at 7:15 p.m.

The Board reviewed the minutes of September 8, 2008.

Ms. Holmes made a motion to accept the minutes as written. Ms. Wright seconded the motion. All in favor.

At 7:15 p.m. continuation of 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.

Ms. Ashworth informed the Board that she received communication from Mr. Parry today requesting a continuation because he does not have the erosion control information prepared. She advised the Board that the Board needs to decide whether or not to grant the continuation.

Ms. Holmes commented that the applicant is also going to have to apply to DES for a permit due to the proximity to Lake Sunapee.

Ms. Wright asked if Mr. Parry has submitted the sketches of the shed as requested at the August meeting.

Mr. Russell confirmed that the shed sketches have not been submitted at this time. Additionally, Mr. Parry would also need a variance from DES because the property already exceeds the allowed percentage of permitted impervious surface per the CSPA.

Ms. Ashworth commented that perhaps the Board should recommend that Mr. Parry may want to consider withdrawing the application and begin all over again when he has all of his information together. Additionally, the Board could make its approval contingent upon approval of State permits.

The Board discussed the request for continuance and decided that in the interest of making the best use of everybody's time, the request for continuance should be denied since this has been an inactive application. Mr. Parry should reapply at a later date when he has a complete application to file.

Ms. Wright made a motion to deny Mr. Parry's request for continuance and advise Mr. Parry that he should resubmit a new application when he has a complete application to file which would include a sketch of the shed, a site map with contour information and the location of the shed, and an erosion control plan. Ms. Holmes seconded the motion. All in favor.

Ms. Holmes made a motion to recess until the next hearing. Ms. Richmond seconded the motion. All in favor.

At 7:45 p.m. Thomas & Marilyn Hill, property located at 203 Bay Point Road, Newbury, NH will seek a variance from the requirements of paragraph 5.9 to permit the following: Construction of an 8 x 12 garden shed within the side set back. Newbury Tax Map 006-083-129.

Ms. Hill explained that after careful consideration, they want to build an 8 ft. x 12 ft. garden shed in the area they have chosen. This particular area would enable the shed to be somewhat concealed from public view and it would be close to the garage. The existing garage is a 1 ½ bay garage and very cramped. The neighbors have verbally expressed no objection to the construction of the shed. Additionally, there is a canopy of trees above this area that will not be harmed or changed. No trees would be cut to accommodate this shed. The property between Bay Point Road and Lake Sunapee has several retaining walls to prevent erosion to the Lake. There is a recently installed Clean Water Solution septic system on site.

Mr. Hill commented that the previous septic system was fully functional, but because of their interest in the environment, they had the clean water solution system installed. The flagging to be used is impervious, but it is set in sand with blue stone dust, which is very pervious. Also there is vegetation planted all around the flagged area to catch and absorb run-off. There will be crushed stone with granite curbing to maintain grade around the shed, which will also act as a system of erosion control off the roof of the shed. There will not be much run-off coming off the roof since the shed is only 8 ft. x 12 ft.

Ms. Hill informed the Board that she and Mr. Hill have worked with the neighbors to create a drainage system to address the localized run-off because it became a problem after the clear cutting took place across the road and uphill from the area.

Mr. Hill presented pictures of the site, a map of the site and a sketch of the shed. The closest corner of the shed to the property line is 6 ft. The shed is 180 ft. up from Lake Sunapee. There are no State permits needed. The impervious surface for this lot is less than 20%.

Mr. Russell agreed that since this is an accessory structure and the soil will not be disturbed, and it is so far up from the Lake, there will be no wetlands permit needed. He acknowledged that this plan does not even disturb one tree. The impact is minimal.

Ms. Hill addressed the conditions according to the zoning ordinance as follows:

CONSTRUCTION OF 8X12 Garden/Potting Shed

GENERAL CONDITIONS NEEDED TO BE MET:

16.6.1 THAT THE USE WILL NOT BE DETRIMENTAL TO THE CHARACTER OR ENJOYMENT OF THE NEIGHBORHOOD BY REASON OF UNDUE VARIATION OF THE CHARACTER OF THE NEIGHBORHOOD

16.6.2 THAT THE USE WILL NOT BE INJURIOUS, NOXIOUS OR OFFENSIVE AND THUS DETRIMENTAL TO THE NEIGHBORHOOD

16.6.3 THAT THE USE WILL NOT BE CONTRARY TO THE PUBLIC HEALTH, SAFETY OR WELFARE BY REASON OF UNDUE TRAFFIC CONGESTION OR HAZARDS, UNDUE RISK OF LIFE AND PROPERTY, UNSANITARY OR

UNHEALTHFUL EMISSIONS OR WASTE DISPOSAL OR SIMILAR ADVERSE CAUSES OR CONDITIONS

16.6.4 THE LOCATION AND SIZE OF THE USE, THE NATURE AND INTENSITY OF THE OPERATIONS INVOLVE THE SIZE IN RELATION TO THE PROPOSED USE AND LOCATION OF THE SI WITH RESPECT TO THE EXISTING OR FUTURE STREET GIVING ACCESS TO IT SHALL BE SUCH THAT IT WILL BE IN HARMONY WITH THE NEIGHBORHOOD. THE LOCATION NATURE AND HEIGHT OF BUILDINGS, WALLS, AND FENCES WILL NOT DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF THE ADJACENT LAND AND BUILDING OR IMPAIR THE VALUE THERE OF IN THE IS REGARD THE BOARD MAY IMPOSE THE FOLLOWING SAFE GUARDS ETC....

Granting the variance will not be contrary to the above mentioned conditions or to the public interest because the design of the shed is in accordance with the existing residence (Victorian cottage & see attached picture of shed).

The location on the site is tucked under a canopy of existing oak trees, hidden by a large exposed rock (see picture), and separated from the neighbors drive way or lot line by a barrier of hemlock's. (See picture) The reasoning for placing the shed on this site was carefully considered in an effort to have no environmental impact on the site itself and to virtually hide it from the view of the all neighbors. (see picture of location) The Giralds, our good friends and neighbors are fully aware of what we intend to do and have no objections.

In addition we picked this site as absolutely no trees, tree limbs or natural shrubs will be cut or altered. Likewise no ground will be touched or dug up.

The residential quality and public interest will not be compromised. We intend to incorporate permanent erosion controls (see erosion control plan and pictures) and landscaping to create a practical and beautiful arrangement at the site. This will serve to enhance property values of the neighborhood. In addition this would give us a place to store unsightly working material and tools to further benefit and enhance our neighbor's property values.

Our decision to build a garden shed was predicated by our desire as lakefront property owners to ensure that the quality of Lake Sunapee remains our number one focus. We recently decided to install a state of the art "clean water solution septic system" which enabled us to minimize our leach field footprint on our lot. We did this despite the fact that our existing system was in full compliance with an NH state laws. As a result we are now able to either expand our garage or put up this shed. Both from an environmental stand point and building cost basis the shed is the most logical choice and offers a much better solution to our storage concerns.

As good neighbors, residence of the Lake Sunapee waters shed area, and concerned citizens of Newbury we have considered all options as it relates to the building of this shed. We feel that the location we have chosen will have the least impact on the concerns and issues as discussed above."

Mr. Hill stated that the shed will be stained and trimmed the same colors as the house.

There were no further questions from the Board.

Ms. Ashworth opened the meeting to the public. There were no questions from the public. Ms. Ashworth closed the meeting to the public.

The Board began deliberations.

Ms. Holmes commented that this application was really well presented. The requirements were complete and easy to understand. The project is well thought-out and appreciated for the sensitivity to the Lake.

Ms. Wright commented that she made a site review and has no issues with the application. She commented that it is good that there will be no tree cutting or soil disturbance.

Mr. Russell commented that he has no issues or objections.

Ms. Richmond commented that she has no issues or objections.

Ms. Holmes made a motion to vote on the application for a variance to encroach on the 15 ft. setback to build a garden shed. Ms. Wright seconded the motion.

Ms. Richmond voted to grant as presented.

Mr. Russell voted to grant as presented.

Ms. Wright voted to grant as presented.

Ms. Holmes voted to grant as presented.

Ms. Ashworth voted to grant as presented.

The application was approved as presented.

Ms. Ashworth advised Mr. and Ms. Hill that there is a 30-day appeal period for abutters or interested parties.

The Board discussed the Variance and Special Exception Applications that are made available to the public. Several applications have been incomplete or lacking requested information. The Board agreed a distinct checklist should be provided to the applicants and if the criteria are not met, then the Board will not hear the application.

Ms. Wright commented that it is important for the Board to remain fair and consistent. A distinct checklist will help the Board to maintain its fairness and consistency.

Ms. Ashworth commented that in light of the CSPA, it would also be helpful to applicants to advise them that DES permits may be required and that all Town approvals are contingent upon State approvals.

Ms. Holmes informed the Board that the Joint Board Meeting was not well attended. A suggestion was made that it may be more productive to have the Chairs of the Boards meet instead of trying to coordinate all of the Board members in one evening.

Ms. Wright made a motion to adjourn. Ms. Richmond seconded the motion. All in favor. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Linda Plunkett