

The meeting was called to order by Mark Johnson, Acting Chair at 7:40. In attendance: Mark Johnson, Bob Field, Dick Wollmar and Chuck Gordon.

## **I. Minutes**

Mr. Field made a motion to accept the minutes as written from February 20<sup>th</sup> and January 16, 2002. Mr. Wollmar seconded the motion. The vote was 4-0.

Mr. Gordon made a motion to accept the minutes as written from February 27, 2002. Mr. Wollmar seconded the motion. The vote was 3-0.

## **II. New Business**

Mr. Johnson explained since their Board was short one member the applicants must have a majority vote to have the case passed. Mr. Johnson then explained the rules of procedure.

### **2002:07 - 6 Boutilier Lane, Greg and Janet Heinlein**

Mr. John Bosen, attorney, and Mrs. Adele Fiorillo, NH Soil Consultants, Inc represented Mr. & Mrs. Heinlein. Mr. Bosen explained that the Building Permit was issue on January 17, 2002 and the need for the Variance became know on February 21, 2002. Mr. Bosen addressed the wetland issue of removing the foundation and restoring the wetlands. The Conservation Board met March 12<sup>th</sup> to discuss the wetland issue with the Heinleins' representative. The Heinleins have also met with Dori Wiggins, NHDES, regarding this same issue and all the abutters.

Mrs. Adele Fiorillo addressed the proposed new building site. The driveway will have 1,844'sq in the buffer zone and the building will have 1,814sq in the buffer zone. Mrs. Fiorillo proposed a stone wall be placed around the boundary of the wetlands to the driveway to delineate them. The Board asked why the house is not being put on the back part of the uplands.

Discussion began regarding the tote road on the rear of lot. Mr. Heinlein does not want to build close to it because people use the tote road for recreation. The Board would like to know what the easement or right of way is regarding the tote road. Mr. Bosen explained that two land locked lots have legal access to the tote road. The Board asked if the house could be built on the northeast corner of the lot. The septic system was to be put there. The Heinleins did try to change the orientation of the house but that would mean taking down the large Beech trees that they would like to preserve.

The discussion turned to the note on the Mylar stating not to change the tote road. The Board wanted to know if this reference is recorded somewhere else other than the Mylar? Mr. Bosen will need to research this information. Mr. Bosen asked if a special meeting could be set up to submit any evidence regarding the tote road. Mr. Field made a motion to table the matter until March 27, 2002 at 8:30AM. Mr. Gordon seconded the motion. The vote was 4-0

**Case 2002:08—3 Fern Rd., Jarrod Patten,** Request for a Special Exception to allow an apartment above an unattached garage.

**Case 2002:09—3 Fern Rd., Jarrod Patten,** Request for a Variance to Article III, Section 37 and asks that said terms be waived to permit an accessory garage apartment outside the single family dwelling.

Mr. Patten explained to the Board that the septic system was next to the house and the garage could not be attached because of its location. Mr. Patten would like to tear down the existing garage and move it further away from the lot line and have a 900' apartment on the second floor of the garage. The apartment will have its own septic system and utilities.

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Mr. Gordon pointed out that Article V, Section 513 states the accessory apartment must be attached to the house. The house must be 2000square feet to have an accessory apartment. Mr. Field also noted the apartment had to be between 400 and 800 square feet in size.

Mr. Field made a motion to table this case to the next regular meeting of the ZBA. Mr. Gordon seconded the motion. The vote was unanimous.

**Case 2002:10—59 Mill Rd., Craig Sinclair,** Request for a Variance to Article IV, Section 409.9 and asks that said terms be waived to permit a building within the 50' wetlands setback.

Mr. Sinclair proposed to build an attached garage with a master bedroom over it.

There are isolated wetlands that do not require a buffer zone setback. The entire house and leach field is located in the wetland buffer zone and the new garage will also be entirely in the buffer zone. There was an approved garage on the back part of the lot that Mr. Sinclair believes was to be an art studio for the previous owner. The garage was never built. The Board discussed having the addition at the front of the house. Mr. Sinclair stated that the front had ledge under the topsoil. Mr. Field suggested to Mr. Sinclair to get permission from his neighbor to use their driveway. He would like to keep the same driveway.

Mr. Field made a motion to table this case to the next regular meeting of the ZBA. Mr. Gordon seconded the motion. The vote was unanimous.

Mr. Field moved to adjourn. Mr. Gordon seconded the motion. The vote was unanimous.

Respectfully submitted

Krista Tischendorf