Zoning Board of Adjustments

Meeting: November 29, 2017, 7:00 pm at Camp Morgan Lodge

Board: Don Revane, Chair, Andrew Hatch, Ralph Marinaccio, Jack Sheehy

Visitors: Mr. Mrs. Cote, Mr. Mrs. Mensh, and David Barkie

RE: Continuance from last months hearing (Mensh, Lean To) Informational hearing with David Barkie

Don Revane called the meeting to order at 7:00 pm

Revane announced this was the public portion of the continuance of Mr. Mrs. Mensh Lean-too regarding an Equitable Waiver.

Peter Mellon provided a copy of the plot plan previously to the meeting, recognizing that the lean-to was not located on Mr. Mrs. Cote property. A brief discussion that the lean-to was approximately 1 ft. away from the side lot line.

Mrs. Cote provided a copy of a letter, along with reading the letter that Mrs. Fung had written with the concerns of the Equitable Waiver being granted. (Placed in Public reading File). Mrs. Cote also expressed that she would like the pallets they were placed in the wetlands removed from one's property and the removal of the granite slabs that are also located on one's property.

Mensh addressed the part of the letter asking for scientific proof that erosion has occurred. The zoning board asked Mr. Mensh if he would be willing to place a gutter on his lean- to, to revert the runoff back into the marsh. Mr. Mensh has no problem doing that and agreed in the spring this would be completed. Also addressed would be the removal of the pallets and granite slabs asking for the removal of both items within thirty days weather permitting. Mr. Mrs. Cote both agreed to these terms.

Marinaccio recapped after his site visit he expressed he had not seen any evidence of erosion and with both party’s in agreement to move forward with a vote for the equitable waiver.

Revane made a motion to approve the Equitable Waiver Marinaccio second all voted in favor.

Don Revane moved to adjourn at 7:27 pm Ralph second all voted in favor.

Revane open informational meeting at 7:32 pm

Re: David Barkie

Mr. Barkie provided copies of one's plot plan and explained that he was trying to sell a portion of his lot to the abutter so they would be able to build a garage further down the road. Mr. Barkie is willing to merge part of his existing lot (which he abuts) to zero out the change of the lot line adjustment he is asking for.

Hatch: Expressed what Mr. Barkie was trying to accomplish is to make a nonconforming lot less nonconforming, even with the to adjustment does not make it right because both his lot and the lot he is trying to change are already nonconforming lots. Hatch then read some cases regarding nonconforming lots and it’s not as simple as it sounds. One can not make a nonconforming lot less nonconforming.

Barkie: Asking the board to allow the lot line adjustment expressing the last board allowed variances on his past project on Cove Road.

Hatch: This board feels very strongly to prevent already nonconforming lots less conforming.

The board had continuing conversation regarding the abutter and expressed not only Barkie would need a variance so would the abutter for one's garage. This would be a chain effect based on allowing the lot line adjustment. Hatch read the letter from New Hampshire Municipal Association regarding net impact. Mr. Barkie suggested that he could grant an easement to the abutter without any ZBA approval. Hatch, said he would have to look into further.

Mr. Barkie asked the secretary (DeFosse) about submitting the building permit, DeFosse elaborated that the building permit would also need a septic approval along with any other permits that may be required, the selectmen will not entertain any building permit without all the adequate paperwork.

Sheehy: asked Mr. Barkie the how wide is the lot on the roadside and lakeside, Mr. Barkie replied 45’ roadside and 5’ lakeside.

The board suggests for Mr. Barkie to submit his building plan to the selectmen and move forward from there.

Don Revane moved to adjourn at 8:35 pm Ralph second all voted in favor.

Respectfully submitted

Deborah DeFosse