

TOWN OF WEBSTER, NEW HAMPSHIRE
Zoning Board of Adjustment
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Webster, NH 03303
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Zoning Board of Adjustment Minutes August 14, 2012

Continuation of Case No.: 12-03 Special Exception Re: Cannot meet 50 Foot
Setbacks for proposed construction of garage
Dr. and Mrs. Richard Benson agents for Susan D. Panilaitis
118 Westwind Village Road Lot 13 Map 4

Members present: Chairman Marty Bender, David Barnes, Don Koberski and Barbara Corliss; Alternates – Secretary, Jaye Bowe and Guy LaRochelle.

7:03 pm: Chairman Bender convened the meeting by having Secretary Jaye Bowe take attendance. Due to the absence of regular member Robert Drown, Jr., Secretary Jaye Bowe's status for these hearings was as an alternate with the powers and duties of a regular member.

7:05 pm: Chairman Bender resumed the hearing that was continued from July 10, 2012 for Case No: 12-03 captioned above. Chairman Bender invited Dr. Benson to make his presentation. Dr. Benson explained that he had a pre-existing non-conforming lot at 118 Westwind Village Road. He has applied for a Special Exception in order to build a garage no closer than 25 feet from all property lines including the road. The garage will be two stories high and roughly 26 feet by 32 feet. The second story will be used for storage. Dr. Benson stated that although he presented this proposal last month, the Board said that the map in the application was not adequate; it did not have enough detail. This evening Dr. Benson presented a more detailed plot plan for the Board to review. At this time Chairman Bender reiterated that the second story would not be used as a residence which Dr. Benson confirmed. While the Board was reviewing the new map, Chairman Bender referred to the issue regarding shoreline protection. Dr. Benson informed the Board that Mr. Moser, his engineer, has been working on that aspect and told Dr. Benson that it had no bearing on this hearing. Chairman Bender added that he looked over the ***R.S.A. 483-B Shoreland Water Quality Protection Act***. He pointed out that compliance with those requirements does not lie with the Zoning Board but with the New Hampshire Department of Environmental Services (D.E.S.). Chairman Bender asked the Board if there were anymore questions. Member Koberski inquired about the water drainage coming down behind the proposed garage. Dr. Benson assured the Board that Mr. Tim Allen, his contractor, knows their area very well. Mr. Allen has maintained their road and done site work on other camps. He is aware of the problem. Mr. Allen stated they will do their best to try to prevent it. Member Koberski asked Dr. Benson and Mr. Allen about the heavy rains that came down last week. They both stated that there weren't any problems; no washouts. Member Corliss inquired about replacement vegetation on the

slope. Chairman Bender stated that would fall under the Shoreland Protection Act through D.E.S. because the construction is within 250 feet of the shoreline. Mr. Allen told the Board that he would have to protect the area anyway as a matter of regular construction procedure in such a situation. He stated that once the construction was done, the area would be reseeded or mulched with hay or jute mesh. Secretary Bowe inquired about the roles of the Town and the Westwind Village Homeowners Association. Chairman Bender stated that the ZBA had no enforcement authority over the association. Member Koberski stated that the Board only deals with the Town's responsibilities. Member Corliss added that any dealings between the residents and the association would be considered civil matters. Alternate LaRochelle asked if there were any other buildings, dry wells or leach fields near or around the proposed construction site. Dr. Benson stated that the current septic system is inadequate. He plans to put in a new septic system behind the garage. Member Barnes inquired as to the location of the existing cottage/camp. Dr. Benson then approached the Board with map a of Westwind Village lots from 1992. A brief discussion between Dr. Benson and the Board ensued.

Chairman Bender asked if anyone would like to speak in favor of the proposal. Mr. and Mrs. Berryman, abutters, stated they were not for or against the application. One of their concerns was the water drainage. Because they have complete faith in Mr. Allen's site work as he also worked for them, that issue is no longer a concern. The other question they had was regarding the use of the second floor of the garage; was it going to be a residence or storage. Knowing that the area will be used for storage, Mr. and Mrs. Berryman were satisfied their questions were answered. Mr. and Mrs. "Chip" Cilley, residents from across Lake Winnepocket, were in support of the Bensons' application. Mrs. Cilley stated that the Bensons' were personally invested; they love the lake and quality of the water. Mrs. Cilley stated they had every confidence that the Bensons would not do anything to compromise the beautiful lake or the surroundings.

No one spoke in opposition.

7:20 pm: Chairman Bender closed the testimony and the Board discussion began. Alternate LaRochelle asked if the building would be on a slab or a frost wall. Mr. Allen stated that the basement will be used as the foundation anchored into the bank. Member Corliss stated that she would like to include in the motion to approve the application that there would be no habitation in the upper floors such as an apartment. Member Barnes asked if the building would be heated with running water. Dr. Benson stated he does not plan to heat it. He may have water to wash a boat or car. Member Barnes asked if there would be garage door access on both levels. Results of the discussion were that garage door access was going to be from the lower level only with an inside stairway to an upper level pedestrian door for an egress to the outside.

Member Koberski made a motion to accept the application as follows:

To build a 2-car garage (approximately 26' X 30') no closer than 25 feet to the side and rear property lines and the road as shown on plot plan by Mark Moser Engineering; project S12-106 by site dimensions with the exception that there be no residence upstairs in the garage.

Motion was seconded by Member Corliss and passed unanimously.

7:27 pm: Hearing adjourned.

Case No.: 12-04 Commercial Special Exception and Variance
Re: JMJ Resort Properties/Cozy Pond Campground
Additional campsites and Caretaker's Cabin
541 Battle Street Map 5 Lot 54

7:30 pm: Chairman Bender opened the second hearing. Secretary Bowe took attendance. Alternate LaRochelle recused himself because he is an abutter to the applicant. He removed himself from the Board table and sat in the audience. Secretary Bowe read the application. Chairman Bender explained the procedure to Mr. Joe DiPrima, owner of Cozy Pond Campground and invited him to tell the Board exactly what he wanted to do.

Mr. DiPrima started his presentation by addressing the variance part of the application regarding building a caretaker's cabin. He passed out rough plans to the Board. He thought it would be cheaper to build than to purchase a larger trailer. But after comparing the two, a larger trailer would be better at this time. He asked the Board what their thoughts were about the cabin. The Board stated that the cabin with a bathroom and a kitchen would be a residence as defined by Zoning. Mr. DiPrima would have to meet the building requirement of a 5 acre lot with 250 feet of frontage. A seasonal dwelling would only be allowed to be used for 90 days. Mr. DiPrima asked what was the difference between the two. Member Koberski stated that a trailer is mobile and a cabin is not. At this time Mr. DiPrima withdrew the request for the variance from his application. The remainder of the hearing was about the Commercial Exception to open 14 additional pre-existing campsites.

Mr. DiPrima stated that the need to add campsites is based on 50% occupancy of the seasonal sites. The campground has exceeded that benchmark this year just as they did last year. Mr. DiPrima referenced his plot plan and pointed out to the Board the exact location of the sites. Member Corliss asked what would the total number be with the 14 additional sites. Mr. DiPrima stated 93. He then asked the Board if they had

any more questions about the application for the 14 additional sites. A lengthy and in depth discussion ensued regarding Mr. DiPrima's 10 to 15 year plans for the campground's future expansion; rental cabins with wheels/trailers (similar to "Katrina Trailers") and installing a new and larger septic system to handle the future expansion. Mr. Di Prima passed out several documents and brochures regarding the cabin rentals. Secretary Bowe asked if down the road the camps would end up becoming winterized hunting lodges with hot running water. Mr. DiPrima stated emphatically, "No". One of the reasons Mr. DiPrima has the campground is so he can have the winter off. The campground will definitely not be used for winter camping or hunting. Chairman Bender stated that as long as the cabins had wheels and could be driven off he did not think there would be problems adding them to the campground. As an example, Member Koberski stated that when he goes to a campground in Maine his trailer is put on blocks; tires are deflated and a skirt placed around it. If the campground wanted him to leave, then the skirt is taken off; the camper comes off the blocks; the tires are inflated and he drives it away. It is not a permanent structure. Secretary Bowe asked if the cabins would be considered seasonal or weekend rentals. Mr. DiPrima stated they would be for weeks at a time or weekends.

Chairman Bender asked the Board if there were any more questions regarding the 14 additional campsites; there were none. He then asked if anyone wished to speak in favor, opposition or neutral. At this time Mr. Guy LaRochelle, an abutter, asked how many sites did Mr. DiPrima envision opening in the next 10 years. Mr. DiPrima responded that he would like to have 150 sites; but that's 10 to 15 years in the future. Mr. LaRochelle asked who were the actual owners of the campground. Mr. DiPrima explained the "JMJ" of the "JMJ Resort Properties of Londonderry, LLC" was himself, his brother-in-law, the "M" and a friend, the "J". Mr. DiPrima is the majority partner/owner of both JMJ LLC and the "Cozy Pond Campground, LLC". The "JMJ Resort Properties" owns all the property and the "Cozy Pond Campground" is the management company.

8:30 pm: Chairman Bender closed the testimony and opened the Board discussion. Chairman Bender stated he did not have any problem with approving the 14 sites. The other discussions about the future expansion have been very positive, but at this time the only application before the Board is for approval of the Commercial Exception for the additional sites.

Member Barnes made a motion to approve the application for the Commercial Exception to open 14 pre-existing campsites, seconded by Member Koberski and passed unanimously by the Board.

8:32 pm: The second hearing was adjourned.

Next on the agenda was the review of the minutes from the July 10, 2012 meeting. Member Corliss made a motion to approve the minutes as written seconded by Member Koberski and passed unanimously.

Chairman Bender informed the Board about the upcoming annual LGC's Municipal Law Lecture Series workshops. Mrs. Larson will forward registration information to interested members when it becomes available.

The meeting was adjourned at 8:40 pm.

Minutes approved as written September 11, 2012,

Jaye Bowe
Zoning Board of Adjustment Secretary