

**TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes

Monday, May 8, 2023

7 p.m.

In attendance: Chair Bernie Volz, Members George Lamprey, Karen Ponton, Greg Hime and Stephany Marchut Lavallee. Alternate Members Tim Nefores, Alison Toates and Clerk Linda D'Auria. Member Jean Meloney (Vice Chair), was absent with notice.

Public attendance: Wes Hays (Northstar Contractors), Clair Williams (Architect, pllc), Maureen Criasia (Conservation Commission), Garrett & Susan Wein, Walter & Irene Spaulding, Helen Altavista, George Earl, Wayne Gray and Bill Doucette (Code Enforcement Officer)

The meeting was called to order at 7:00 p.m.

- **Chair Volz** elects to move past item I, the approval of the January 9, 2023 minutes until after the scheduled hearing.

Voting Members for Case: Bernie Volz, George Lamprey, Stephany Marchut Lavallee, Karen Ponton and Greg Hime.

Case: 2023-0410.A – Garrett & Susan Wein – Tax Map 104 Lot 016 – 10 Mayo Shores Lane

Chair goes through meeting protocol for those in attendance. Clerk provided notification of abutters, posting of the case on the towns website, Town Hall and Center Harbors bulletin boards in the Laconia Sun newspaper. All abutters were notified and responded. One letter was received by an abutter, Bruce Bond, as he wasn't able to make the meeting. Chair turns the meeting over to the applicant.

Claire Williams, Architect, pllc, read the application as presented as detailed in the variance application submitted to the board.

Several questions raised by the board members concerning the runoff of water, as pooling in the property owner's lot and running through where the proposed house and crawl space will be, and feel this should be considered.

Wes Hays explained much of the water was due to culverts put in by the state, being so clogged nothing could go through, that's why the water is running on the land. It's not designated as wetlands, but wet soil due to the culverts.

There was a lot of discussion regarding setbacks, wetlands and placement of the septic and home.

Chair Volz felt this case should be seen by the Planning Board for a determination on the property as far as wetlands, and setbacks when there are wetlands noted.

- While no setbacks are given from the wetlands to the proposed garage, house, and leach field, the setbacks do not appear to be met:
 - **10:8:1** Septic Leach fields, Table 3, specifies 75 feet setback from wetlands
 - **10:4:2:3** Non-Designated Wetlands, specifies 50 feet setback from wetlands
- Need Planning Board to rule based on **10:4:2:4** and variances may be needed
- Also need determination whether **10:6:3:2** requirements are met
- Area is very wet as culvert under Waukewan Road drains upland land across Waukewan Road and was running heavily on morning of May 1 when I visited area
- Lake Waukewan is the water supply for Town of Meredith and is also considered to be an impaired water body by the state

Mr. Wein asked if he could see the letter sent in by Bruce Bond. Chair Volz read the letter and asked the clerk to post on the website.

*Bruce R. Bond
18 Mayo Shores
Lane Center Harbor,
NH 03226 (603) 520-
6234*

April 27, 2023

*Town of Center Harbor
PO Box 140
36 Main Street
Center Harbor, NH 03226*

*Attention: Center Harbor Zoning Board of Adjustment
To Whom It May Concern:*

My name is Bruce Bond and I am a Center Harbor resident living at 18 Mayo Shores Lane.

I am submitting this letter, as I am unable to attend the May 8, 2023 hearing pertaining to the proposed reconstruction of the Wein's property on Mayo Shores Lane. I would like to share with the Board some concerns I have about the impact the Project objectives will have on this relatively small lot and, by extension, the Mayo Shores Lane community.

First and most significant is, to the best of my knowledge, no mention has been made of the 12-inch concrete culvert that carries storm water runoff under Waukewan Road and empties out onto the middle of Wein's property at the edge of Waukewan Road. During major stormwater events, the water from this culvert passes above ground traversing the right of way and across the Wein and Bratt properties, onward to the lake. Some water finds its way into the lake through drainpipes installed by the Spaulding's some years ago, on the side of their property that abuts the Wein's camp. The seriousness of the runoff develops during the winter months. Over time and with freezing

temperatures, the runoff forms ice sheets that build up on Mayo Shores Lane, routinely exceeding one foot in thickness, thereby creating very dangerous and treacherous driving conditions behind the Wein's and Bratt's cottages. I have had to be towed out of the woods on the lakeside of the right of way on several occasions. I have addressed this situation by obtaining approval from NHDOT in Gilford and the Town of Center Harbor to install a driveway on my property from Waukewan Road on down to my camp. I was told by the NHDOT district shed that, for safety reasons, no additional right of ways from Mayo Shores Lane cottages (6 in total) would be approved to connect to Waukewan Road.

The stormwater runoff from the existing culvert will exit behind Wein's proposed garage/apartment structure and septic system. As many of the trees and vegetation on the back side of the lot have been removed to accommodate the design specifications, the water runoff onto the adjacent properties will likely be enhanced, accelerating the flow of unmitigated stormwater into the lake.

My next thought is relatively straight forward. The construction of a residence MORE THAN TWO TIMES the size of the existing seasonal cottage in the Protected Shoreland Zone **SHOULD NOT BE PERMITTED**. The abutting Spaulding year-round residence was limited to the size of the footprint of their seasonal cottage when rebuilt. About the same time, I was prohibited from increasing the footprint of my cottage because of the restrictions imposed by the state's Shoreland Protection Act. If the Wein's need to build a 3000'+ lake house, I recommend they acquire a lot size commensurate with the home to be constructed. A 0.94-acre lot with 97.5' of shoreline is way too small for the structure the Wein's have proposed. It should go without saying that all waterfront property owners in the Town of Center Harbor **BE HELD TO THE SAME LAWS AND RESTRICTIONS**. This proposed application is a major and significant variance from current rules.

Placing the proposed Wein House partially on the existing right of way, resulting in a rerouting "bump" in what is currently, and has been for more than a century, a straight roadway may cause a travelling impediment for Fire Department trucks, and other large service vehicles. It would be important to the property owners beyond the Wein's property to be assured that firefighting equipment, etc. is able to move freely if necessary. Adding a curve, in addition to increasing the length of Mayo Shores Lane, creates a more encumbered right of way that would impede the expedient travel of large emergency vehicles. Large delivery vehicles and automobiles with trailers may also be negatively impacted.

The Wein's existing cottage could be rebuilt on the same footprint in the same location with a second story and remain in compliance with town and state regulations once septic issues are addressed.

Respectfully,
Bruce R. Bond

Chair Volz said he would like to have a site visit as soon as possible before any decisions are made.

Karen Ponton made a motion to conduct a site visit (Monday May 15th at 10 a.m.) George Lamprey seconded the motion, all were in favor.

George Lamprey made a motion to obtain a determination on the delineation of the wetland area by the Planning Board. Stephany Marchut Lavallee seconded the motion. All were in favor.

Karen Ponton made a motion to continue this hearing to the next scheduled Zoning Board of Adjustment meeting Monday, June 12th and George Lamprey seconded the motion, all were in favor.

The garage has already been approved according to the maps on the town's website, per Bill Doucette.

Minutes: Karen Ponton made a motion to accept the January 9th Meeting minutes with minor corrections. Stephany Marchut Lavallee seconded the motion. All were in favor.

Other Business:

Annual Election of new ZBA Chairman and Vice Chairman. After some board discussion, Karen Ponton made a motion to re-elect both Bernie Volz as Chairman and Jean Meloney as Vice Chair. Stephany Marchut Lavallee seconded the motion and all were in favor. Chair Volz appointed the towns selected Clerk, Linda D'Auria to continue for 2023.

ZBA By-Laws: Chair Volz had the town attorney Laura Spector Morgan, esq. look at them and she suggested some minor changes as far as wording. Laura also brought to be careful with re-opening the hearing, the issue is that people may have left, if we re-open they aren't able to participate (1:55) and went over some of the other highlighted changes.

George Lamprey made a motion to accept the changes to the By-Laws proposed as complete as of January 26, 2023. Karen Ponton seconded the motion and all were in favor.

Adjournment:

Chair Volz adjourned the meeting at 9:30 p.m. Next meeting scheduled for June 12, 2023 at 7 p.m.

Respectly submitted:
Linda D'Auria, Clerk