

TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT
Monday, July 31 2023 10:00 a.m.

Site Walk
55 Mosswood Road

Present at the Site Walk: Chairman Bernie Volz, Members Stephany Marchut Lavallee, Karen Ponton, Alternate Members Tim Nefores, Greg Hime, and Clerk Helen Altavesta. Jean Meloney Absent without notice.

Public Attendance: David Driscoll (Agent), Matt Emmerly (Property Manager), Mariamne Gurney (owner), Pam and Larry Tarica, Kim and Mark Schiffrin, Robert Caslow, William T. Simonds, John McLanchan, Mark Fetting, David Frost, Sarah and Mary Sherrill, Pam Simonds, Nicole Goett, Susan Gurney, Maureen Criasia and Karin Kavagozian (Conservation Commissioners)

Chairman provided the rules of the site walk, everyone must stay together no discussion between ZBA members pertaining to the case. If a question is asked by a ZBA member it shall be loud enough so everyone can hear. The purpose of the site walk is for the ZBA members to gather information, there shall be no public input. If the public has questions, they may ask those questions when the hearing reconvenes on August 14th at 7 p.m. No decision or votes will be taken during this site visit. I as chairman am responsible for the ZBA members and their location at the property, the public is responsible for themselves. Chairman asked David Driscoll Agent for Mariamne Gurney for an overview of what the owner proposed for the site.

Question was asked if the Zoning Board members could walk to the end of the road to get a flavor of this end of the island. Chair Volz asked if the owner would give permission to walk on his property and he encouraged it.

Chair Volz turned over to David Driscoll to describe the lay of the land and describe what we are seeing here.

David Driscoll described how he marked the lot with posted red flags on the property and marked off a plan to show the proposed footprint for the corners of the garage and the corner of the house. The

two flags in the wood pile show the entrance to the house. David Driscoll also showed renderings of the front and back of the house and a Topography map. The reasoning of the position of the house on the lot is that Mariamne Gurney is building a permanent residence year-round not seasonal and will need better access to snow removal vehicles and easier access to the house. The main concern is the emergency/safety vehicles being able to get to the property and be able to turn around and not have to try to back down the road. Mariame has incorporated a circular driveway so that the emergency/safety vehicles would be able to turn around. The road itself is only 12 ft. wide and the plan is to incorporate a single rod (~16.5 ft) width on owners' property to help with widening the road. The lot is placed on the higher side of the property to help with the drainage, by keeping it on the high side it allows the water to percolate before it reaches the lake. This proposal is for a permanent residency not seasonal; need to take in account plow trucks, emergency vehicles., etc. Discussion on if they had to change the location of the house and they would if it was necessary. The owner could move the location closer to the Lake but was trying to work with the Curve of the road and the topography of the land. David Driscoll mentioned if they moved it closer to the lake it would require a lot more fill to be brought in and was trying to keep the home away from the Lake. The design of the house was done to place the home on the most reasonable spot for the grade of the parcel and this was the Ideal plan. David Driscoll also mentioned that the trees on this lot were not healthy. There were at least 38 dead trees that were marked off to show that some of the trees were taken down because they were damaged. The trees were removed at the top of the Lot for the building site and they left the waterfront buffers and woodland buffers as determined by the shoreland protection act were vertically untouched. Discussion on the drainage plain for the reasoning of the higher placement of house. The orange flags represent the roof overhang they do not represent the structure. Bernie Volz asked about the far-right flag which is the closest flag to the road. It is roughly 25 ft. from the center line of the road and the roof overhang. When they widen the road, it will become roughly 28 ft. away from the roof overhang. Mariamne's property extends another 1/3 of her property beyond the road. Further discussion it looks like the same distance from the water to the end of the property on both sides. Mariamne mentioned that trees have been falling on her property the last two years and that the prior owner Mr. Wood at the end of the road had aired the trees on the right side of the property. Discussion on the existing turn around for the emergency vehicle. David Driscoll showed the topo map showing the dimensions of the plan. Discussed drainage of the property, landscaping, replacing trees etc. The placement of the house is on a very flat piece of the property helping with the drainage. The first floor of the house is slightly below the crown of the road. Maggie didn't want to open up any more trees on the Lake, she is building with the land and the integrity of the land not fighting the land.

The Zoning Board was asked to walk to the end of the road. There is one property past 55 Mosswood that uses the road. There was a question on the grade of the road. David Driscoll said it would basically be staying the same grade just widening it.

The Zoning board walked down to the bottom of the Lot to review the structures already on the property. Dog house: No bed: its vacant size of a small shed, Buckhouse 1: has electricity 1 Bedroom, Bunkhouse 2: has electricity a portion of it is the Old Center Harbor School house that they brought across the lake. It has 2 Bedrooms. and also, a lean-to by the lake. None of the structures have a Kitchen but there is a Septic System. The water is pumped in from the lake. The structures are just for guests in the summertime or when at lake.

The Zoning Board proceeded to the old septic and leach field. The old septic and leach field is going to be utilized for the new House. The Zoning Board reviewed where the new Leach Field and Septic will be on the site. Discussion on the road, on how deeds usually have right of ways that have boundaries dimension but this road is different it is more like a right of passage. David Driscoll asked the specification on the turn around as specified in the subdivision plan in 2006. David Driscoll said he will file what he needs to but he does not want it to rely solely on Mariamne, all of the applicants from the subdivision are also supposed to comply.

Chair Bernie Volz adjourned the site walk at 11:34 am and stated the Zoning Board would reconvene at the Carey Mead room on August 14, 2023 at 7.00.