

TOWN OF CENTER HARBOR  
ZONING BOARD OF ADJUSTMENT  
Meeting  
Monday January 14, 2019  
7:00 p.m.

Chair Bernie Volz called the meeting to order at 7:01 p.m. Present were members Vice Chair Jean Meloney, George Lamprey, Chris Williams, Anthony Avrutine, Alternate members Karen Ponton, Gregory Hime and Clerk Aimee Manfredi-Sanschagrin. In the audience Anne and Rudy Ruggles.

**Voting Members: Bernie Volz, Jean Meloney, George Lamprey, Chris Williams and Anthony Avrutine.**

**I. MINUTES**

Chris Williams motioned to accept the December 10, 2018 minutes as corrected. Seconded by Jean Meloney. All were in favor minutes pass.

**II. PUBLIC HEARING – APPLICATION FOR VARIANCE HUKWEEM REALTY TRUST 213-007; 340 COLLEGE ROAD – CONTINUED FROM 12/10/2018**

Chair provides rules of protocol to all of those in attendance, stating if there is dialogue with the Board it is to go through the Chair. Chair asks the Clerk if there is any additional information that needs to be discussed. Clerk states the Board has received two letters in support of the proposal. The letters were submitted by Will Twombly and Peter and Valorie Markarian. Both letters were entered into the record.

Chair asks the applicant if they would like to present anything new to the Board. Rudy and Anne Ruggles state their name for the record. Rudy addresses the Board stating the numbers that were originally stated during the last hearing were incorrect. The size of the deck should have been 590 sf not the 970 sf that was discussed. The applicants state they listened to the feedback from the Board regarding the size and revised their plan reducing the size down to 360 sf. The new plan reduces the projection towards the lake from 18' down to 12'. It is 25' wide but the shape of the deck has changed. We have also made a narrower walkway to the stairs.

Rudy continues, in regards to the stairs, we were not sure if that counted in the sf or not so we have provided two different options for the stairs. (the plan shows the current stair case that is outside of the setback but also shows a new location for stairs which falls inside the 75' setback). Ideally, the applicant would like to have the stairs placed in the new location which would add 60 sf to the proposal. The reason the applicants would like the stairs in the new location is because they would line up with the existing walkway down to the lake without impacting access to underneath the deck where there are doors to access the garage. The new sf with the deck and the stairs would calculate to 420 sf.

Chair asks if everything would be in between the 50'-75' line. Rudy responds yes.

Gregory Hime asks if the applicant considered a patio instead of a deck. Rudy responds no because the contour of the land is quite steep so that would take a lot more work and disruption to the land plus the woodland is very thick and that would require a lot of tree cutting. Anne added that yes they considered it but it would take a lot of tree cutting of mature mountain laurels that are 15' high and other vegetation they don't want to disturb.

The question is asked about the rules on cutting trees on the shorefront, the Chair responds there is a section that goes into detail about what is allowed on the shorefront in regards to tree removal and the town's point system that needs to be adhered to.

Gregory Hime says he sees this revised plan as still twice the square footage. Jean Meloney states the Board needs to consider the difference between a patio and a deck. This needs to be a deck and they are trying to do this in the least disruptive manner that they can. I think there is a big difference between a deck and the patio in this case. Chair states the variance is on two items. One which is a deck instead of a patio and second, the size is bigger than what would be allowed for a patio.

The discussion surrounding the location of the stairs. The Chair states his preference would be to not have the stairs encroach but understands the applicant's position on why they would like the stairs moved. The Board needs to consider the particulars on this property which is where the house is located which is reason why we have a Zoning Board because the rules cannot apply to everyone the same way. The special circumstance for this property is where the house is located.

George Lamprey, my opinion on deck vs. patio is that in this case, a deck is less interruptive to the landscape than a patio. So to me it's not an issue. The only other thing for discussion are the stairs. It doesn't strike me as a big issue but other Board members may have a different point of view. The applicant has a willingness to move the stairs back and eliminate it as an issue if it's a problem for the Board.

Rudy Ruggles states their preference would be to have the stairs moved forward in line with the new deck. They did not want to come before the Board where their preference makes it so that it can't be counted and is ultimately denied which is the reason for the two options on the location of the stairs.

**Board discusses the Criteria for the Variance:**

**Criteria 1 & 2:** Board agrees the deck would not be visible from the lake and that the request is within the spirit of the ordinance.

**Criteria 3:** Allows the property owners to make use of their view and enjoy the outside given the existing structure and where it's located.

**Criteria 4:** Neighbors are in favor of the proposal and the Board did not believe this would be an impact to the values of the surrounding properties.

**Criteria 5:** Chair states the Board has discussed this throughout the hearing and it seems all would agree the use is a reasonable one. We think there is a fair and substantial relationship to the ordinance because of the location and orientation of the structure.

**Motion: George Lamprey motions to grant the variance for a deck totaling 420 sf which is inclusive of the stairway from deck level to the ground. Seconded by Anthony Avrutine.**

Brief discussion after motion. Chair states to be clear that what is being approved is the plan that has been presented to the Board tonight. The deck which is 360 sf and the addition of 60 sf which is the stairway that is located on the West side of the structure. Rudy Ruggles states the staircase on the East side of the structure is already included in the 360 sf calculation. The approved plan is from Terrain Planning and Design with an amended date of January 2019.

**All were in favor of the motion.**

Chair states there is a 30 day appeal period.

**III. OTHER**

Clerk distributed new copy of Town Ordinance to the Board. Town Ordinance includes adoption of new Beach Permitting and Parking regulations along with Disorderly Conduct Section 6 adoption.

Chair announces that he spoke to Alternate Member Palmer Smith and Palmer has decided to resign from the Board. Palmer was the most senior alternate on the Zoning Board of Adjustment. The Board wants to extend their appreciation to Palmer for volunteering 12 years of service on the Board.

**IV. ADJOURNMENT**

Meeting adjourned at 7:43 p.m. respectfully submitted by Aimee Manfredi-Sanschagrín.