

**TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT
Wednesday, November 10, 2021**

**1 p.m. Site Walk
471 Waukegan Road**

Present at the Site Walk: Chair Bernie Volz, Members Karen Ponton, Stephany Marchut Lavallee, Alternate Member Gregory Hime, Tim Nefores, Clerk Aimee Manfredi-Sanschagrin, Property Owner Jeff Walsh, Abutters Charles and Diana Martin and Conservation Commissioner Maureen Criasia.

Chair Bernie Volz, It is 1 p.m. I have a few announcements regarding the site visit. You shouldn't wander around please stay with the group. There should be no discussion between ZBA members, ZBA members that have questions, it should be loud enough for all members to hear.

No questions will be taken from the public during the site visit. If the public has questions, they can be addressed during the hearing, which will reconvene on January 10th, in the Cary, Mead room. No votes will be taken during the visit. I'm technically responsible for ZBA members and their location on the property, the public is responsible for themselves. This meeting is being recorded as minutes will be generated from the site visit. Chair to property owner Jeff Walsh, so why don't you take us through a little bit.

Jeff Walsh property owner: This is the driveway; this is a right-of-way (ROW) for the red house which is the property that we're talking about. This ROW belongs to this house (pointing to green house at the road).

Gregory Hime, I have a question for Jeffrey is the size of the right away and all that spelled out in the deed. **Jeff Walsh,** yes, it's in the deed.

Stephany Marchut Lavallee, where was the old leach field?

Jeff Walsh continues, I don't know if there was a leach field here per se or if that's a holding tank. I'm not really sure how these old homes work. I do know that the excavator came out identified that and the person that sold me the house identified that before. It's probably more likely just a holding tank and it gets pumped every once in a while, or leaches out.

Chair Bernie Volz, we see the wall around the building and so there's a gap of probably a foot between the wall of the building. **Jeff Walsh,** yes, it's like that around the site. We should go down because I would like to talk about the retaining wall.

Board heads to the left side of the building.

Jeff Walsh, that is the shed that we were talking about that is attached. I think there's a quarter inch separation on those roof lines. This leach field that's up that high will come over here and then slightly taper down coming this way.

Chair Bernie Volz, so you'll have more steps to come down at this point. **Jeff Walsh**, yeah, this will get reworked.

Tim Nefores, the driveway will go straight into the house. **Chair Bernie Volz**, that's right. It's going to go straight in because there are no steps. It's all going to be flat down here, right? **Tim Nefores**, so are we correct in saying there are no steps, that the driveway lands up here? **Jeff Walsh**, that is absolutely correct and all this land would be brought up so there'll be no more sloping down.

Chair Bernie Volz, assuming you do raise the house, will this mostly just be filled to be flat or what are you planning to do? **Jeff Walsh**, I think it's depending on how this works. So there's going to be a retaining wall here and the foundation would be here. This is where the retaining wall would be coming this way down and across. I don't want too much of a slope coming this way so, it would be somewhere as along this line. At the bottom I would like to get a foot above that, but that would be the grade. I'd like to get the foundation up off the ground a little bit, but that would be where I want the dirt to come up to.

Clerk, so can I just ask a question, the retaining wall is actually going to be up against the fence? **Jeff Walsh**, yes. There's one this way and the other one comes this way because I need something. **Clerk**, so your retaining wall will be right on this property line. **Jeff Walsh**, correct or I could bring it in six inches.

Chair Bernie Volz, and do you need to do anything on that side or something. **Jeff Walsh**, I had the excavator here this morning we'll do something similar maybe a bit smaller.

Gregory Hime, question so that's the top of the proposed septic is correct. **Jeff Walsh**, correct. **Gregory Hime**, which will be a similar grade to the driveway. **Jeff Walsh**, correct. that'll be raised up some so I would think there's probably about a two-foot block. You can see here that's the final grade so that's probably about a foot and a half. I think I'll either just slope it toward that fence or put a two-foot block along the ridge and then bury it so I can either raise it or slightly slope. I think the raise is better with the block because it contains everything to my side instead of having it going to the abutters.

Stephany Marchut Lavallee, So, is that your fence or the neighbor's fence? **Jeff Walsh**, I don't know. Mr. Martin abutter states that it's his fence. **Stephany Marchut Lavallee**, where is your property line in relation to the fence? Mr. Martin responds it's slightly on our property the marker is down near the water and the fence is inside that marker. **Chair Bernie Volz**, so the fence runs roughly about an inch or two on your side of the property line.

Gregory Hime, for the driveway, your plan is to keep all runoff on to your property? **Jeff Walsh**, of course, the driveway may have a pitch to collect the water but everything will be contained on this property and that would be the deal. **Gregory Hime**, and your wall, just to reiterate, is to come along here. **Jeff Walsh**, no, it goes straight all the way up and tapers down.

Tim Nefores, are you proposing an asphalt driveway? **Jeff Walsh**, I haven't gotten that far. I thought in Center Harbor pervious vs. impervious didn't make a difference. I'm not set on one or the other.

Jeff Walsh asks if anyone needs to go in the house, Board members say no.

Gregory Hime, you said you will have this retaining wall running all along here up along both properties. In addition, in your proposed change are you going to have also a foundation run along that wall. Here you have the retaining wall let's call it up this length. Now for the proposed foundation for the new place is that also now you're going to run a new foundation along that retaining wall. **Jeff Walsh**, no, so the house is staying in the same exact space. The only tiny thing I have to do is bring it across here to retain it so that it isn't like a mess down here. I think that if I come across this way with the retaining wall and then have a little fence up there for access down to the property. **Gregory Hime**, I know this is getting into a lot of details, but because we are here, I want to have a clear understanding. **Clerk**, Jeff is the retaining wall on the plan? **Jeff Walsh**, no. Does a retaining wall require a variance? **Clerk**, I have to review the definition of structure it may very well be so we may need to have a discussion about that. **Chair Bernie Volz**, yeah, I don't think or I'm pretty sure it's not on the plan. **Jeff Walsh**, I didn't get into that detail because I didn't think it would require a variance. **Clerk**, we have to look at the definition of what a structure is.

Board walks to the waterfront side of the structure.

Chair Bernie Volz points out the roof for the shed/shower does connect to the main structure. Gregory Hime asks about a well cap near the property, **Jeff Walsh**, that's a new well. **Gregory Hime**, is that listed on the plan. **Jeff Walsh**, yes, the well is connected to the waterfront house the house near the road has a separate well. **Chair Bernie Volz**, it's still a little strange because the plan shows this well with water lines going up there so it's unclear exactly what that's about, so you may want to look at that. **Jeff Walsh**, so the water lines were drawing out from the lake so one ran all the way up to the green house and then one ran this way. **Chair Bernie Volz**, on the plan they appear to connect so it's just a little confusing.

Jeff Walsh has a marker on the lake side of the cottage and states that is where he can go to without going to the Board which is six feet. The other marker shows a height of ten feet that's what he's asking for. **Jeff Walsh**, I don't need ten feet I just need eight feet but think ten feet makes it a better grade of the land. This is really six feet from the ground it's not going down into the ground like Bill said it starts right at the ground. This would be the exact start of the foundation. **Chair Bernie Volz**, but usually foundations have to have footings. **Jeff Walsh**,

that's correct, the footing will be under the ground, okay but the foundation itself start right at that. The frost wall is going to be 4' down but the finished height starts here.

Chair Bernie Volz, the second floor will end up higher because you're going to build that up higher, right? **Jeff Walsh**, correct. The second floor would be, let's say that is four feet high so another four feet higher. **Chair Bernie Volz**, so about eight feet or somewhere around eight feet higher than we are now at the very top. **Jeff Walsh**, correct.

Chair Bernie Volz, and there are several tall buildings around here that are three stories although they're not as close to the water as this one is.

Jeff Walsh, I do appreciate all the due diligence, these projects are a lot of time and a lot of money. I won't be able to wait forever and this will either be a rental property or I will have to try and sell the house.

Gregory Hime, Bernie, could I ask for clarification when we're talking about square footage, as you mentioned during the ZBA meeting, we're talking about total square footage and that's outside the measurements where footage is calculated not inside correct? **Chair Bernie Volz**, I think we'd have to go double check if there is a definition but that would be my expectation that it would be the outside. What's really the footprint of the building on the piece of property or that floor. **Gregory Hime**, to reiterate, we'd ask Jeff to provide those calculations at our next meeting. **Chair Bernie Volz**, preferably before. **Gregory Hime**, I see in looking at the information you provided Jeff, that you have existing structure interior measurements and not external. **Chair Bernie Volz**, if we are off by a little bit that is ok but we have to get as close as we can. I don't think there's a definition of the total square footage but I think it's the outside parameter because that's really the footprint for all of the DES permitting and things like that. That's what impacts the impervious surfaces you're covering.

Jeff Walsh, I'll have to try to figure that out and get it to you guys. My foundation walls are fourteen inches thick so I use a lot of interior space that way my new walls above are two by six instead of two by four.

Gregory Hime, if you run into ledge doing the frost wall, then is the plan to blast? **Jeff Walsh**, the last house I built next door we used chippers.

Chair Bernie Volz, here's the boundary marker we talked about and the plan is not to move the house at all, right? Out of curiosity, do you have any room to go that way? (referring to the other side boundary line abutting Jeffs house on lot 105-003).

Jeff Walsh, no because we have that ten foot right away on the other side. **Chair Bernie Volz**, Ok. It's important for us to understand what the constraints are here because that is factored in when dealing with variance issues. Remind me how much space the second floor is going to cover? Standing here is it the whole length? **Jeff Walsh**, it is less than half. **Chair Bernie Volz**, and how is the roof line going to be? **Jeff Walsh**, this one is going to be flat because of

the deck and that one will be about eight feet.

Gregory Hime, it looks like in your drawing that the run off will come here. **Jeff Walsh**, it's a flat roof so I can contain it to anywhere I want the run off to go. Every flat roof has a slight pitch, so I can pitch it into a rain gutter and disperse.

Gregory Hime, have you thought about what you're going to do with the run off? **Jeff Walsh**, I see two options, one is to let it drop around it to stone or one is to collect it in the gutter system. Either system is acceptable for the state which ones better in this application. I would leave it up to my roofer and my gutter guy and if you guys had a preference. As it hits the stone on a new foundation there is a perimeter drain and you can have the outlet of the perimeter drain anywhere you want. (Inaudible due to wind).

Chair Bernie Volz, I'm just wondering how much water will build upon that side as well.

Gregory Hime, I looked at the sketch and that's quite a flat deck. **Jeff Walsh**, the deck doesn't go the whole distance, the railing goes to the edge so it looks nicer.

Chair Bernie Volz, I guess we could ask hypothetically, if we denied the ability to raise the structure, would you think about redesigning it significantly or would you still think about having the garage or something? **Jeff Walsh**, realistically, for me to put a six-foot foundation into this property for the cost involved wouldn't be worth it. I'll either just keep it as it is and rent it or I would sell it and then the next person probably uses it as a rental. To put a six-foot foundation isn't really cost effective. It can be done if someone really wants it but this project is to make that basement bigger. \$100,000 to put in a basement to get nothing, the reality is, it'll probably be a rental property.

Gregory Hime, all that's here the porch area and shed, all that is going to be part of a new footprint? **Jeff Walsh**, the shed isn't but we talked about trading that because I assumed that the garage wasn't living space.

Clerk, I just wanted to point out if anybody else looked at the plans and was a little confused, the corner that's cut out at the bottom level on the plan and there's a post for the second floor, just so you know that is the corner. A structure exists in that space and he's going to remove that. In the plan, to me it didn't look like it was part of the footprint but it is.

Tim Nefores, currently it looks like we are maybe ten to twelve feet above the water to the first floor. Tim goes to water deck states the existing structure is eight to nine feet from the water to give an idea of waterfront visibility of the new structure once built.

Chair Bernie Volz, all right, anybody have any other things they want to ask? If not, we can adjourn the site visit. **Karen Ponton**, can we walk on the other side to the abutter's property. (Abutters gave permission for ZBA to walk on their property). **Chair Bernie Volz**, sure, why don't we do that.

Stephany Marchut Lavallee, basically all the concrete over here and all these little nooks and crannies is that what the footprint is now? **Tim Nefores**, yes.

(ZBA IS ON ABUTTING PROPERTY)

Gregory Hime, I see one thing I want to point out. **Chair Bernie Volz**, ok come a little closer so we can all hear and Aimee gets it recorded. **Gregory Hime**, right now here's a low spot that drains onto the property next door (Jeff's property) then it flows around that pile of rocks and trees then out to the lake. With the proposal of the new building, that will change the topography such that this will not be allowed to drain. **Tim Nefores**, well not onto someone else's property which it's not supposed to do. **Gregory Hime**, right but it's changing the topography that exists today.

Chair Bernie Volz, obviously it will be able to go under the structure as it does now but it will build up there and then eventually drain. If they have the perimeter drain to drain it, then it will actually pick it up and drain it better than it does today, right? **Gregory Hime**, it depends on how he does the perimeter drain and the fill etc., related to a new foundation. **Chair Bernie Volz**, but again, that's going to happen regardless of whether we grant them the full height or not, right. **Gregory Hime**, yes, I just wanted to point out the observation.

Chair Bernie Volz, the height of the new building would probably be well up there, maybe a little above the chimney height. It'll probably be as high as the top of the antenna maybe a little more with the balcony deck up there. It's probably close to the height of this building here. (abutters house)

Gregory Hime, is it permissible to just go up and take a view from their driveway over here and get a feel for that added height? **Chair Bernie Volz**, yeah, the only thing is they just reseeded the septic field so just stay off that.

Chair Bernie Volz, any other questions or points of discussion? **Gregory Hime**, I think it was beneficial for me. **Chair Bernie Volz**, it's always good to see the actual site and not just look at pictures and drawings.

Chair Bernie Volz, we will end the site visit for today (1:42 p.m.) we will resume the hearing January 10th at 7 p.m. in the Cary Mead Conference Room.