The Zoning Board of Adjustment met for a public hearing for a special exception application for Christine Urban and Lynn Howard, 30 Fire Pond Lane, Map 3, Lot 13C. Present were Susan Peters, Susan Phillips-Hungerford, Paul Delphia, Michelle Knapp, and alternate Jerry Bird. Mary Langen and alternate Bill Gurney were absent.

Susan Peters opened the meeting at 7:01 and appointed Jerry Bird as a full member for this meeting. The board reviewed the minutes. Susan PH moved to accept the minutes for September 14. Paul seconded and the motion passed. Susan Peters asked whether the ZBA has received any recommendation from the Conservation Commission regarding the application; the Secretary answered that the ZBA is not to receive input from any other board since the decision is to be based on the merits of the case and not from political pressure from other boards. Susan PH moved to accept the minutes from the site visit on September 25, 2017. Paul seconded and the motion passed.

Susan shared a letter from the Temple ZBA who wants to have ZBA training and share the expense with other towns. Susan Peters pointed out that three from Dublin attended a similar meeting in Keene in April this year. The board discussed the merits of attending this meeting and sharing the costs. Susan Peters will type up her notes and share them with the other board members and Susan PH will contact the Temple ZBA and decline the offer.

The board discussed the budget briefly. Susan asked about the timing for reviewing the instructions to applicants and determined they would be considered at the next meeting.

Special Exception Application for Lynn Howard, Map 3, Lot 13C
Susan Peters opened the public hearing at 7:15 PM. Susan Peters reviewed the guidelines for the public hearing. The secretary read the public notice. The secretary reported that a public notice had been posted at town hall, the post office, General Store and in the Monadnock Ledger. Abutters had been sent certified letters and seven of the nine abutters cards had come back.

Christine Urban shared the history of the property and the need for a new structure. The plan is for a new cabin of about 1512 sq ft. They are proposing a different configuration and have moved it as far back as they can without encroaching on the present well. They have turned the building some to stay as far away from the water as they can. Since they own 41 acres of land they are very distant from their lot lines. Christine read the distances from each abutter.

Christine explained Attachment A showing measurements from the water to the present and proposed decks and the distance from the water to the present and proposed buildings. She reviewed each aspect of the application and explained the answers given on the application.
Susan PH asked about the little piece of the deck which seemed to be sticking out toward the water. She asked if 12 inches could be taken off the deck and Christine explained that it is truss construction so reducing the size a little is not an option.

Denis Monaghan spoke in favor of the application stating that the existing building has had not negative effects and he could not see any negative effects from the proposal.

Paul Carabello asked what the issue was. Susan Peters explained that the new structure could not become more non-conforming in its distance from the pond. Paul felt there was no problem.

May Clark spoke in favor of the application.

There was no one present who was opposed to the appeal or anyone who desired to speak on the appeal.

Paul explained that the pond is totally contained and felt it was not a good idea to lower the level of the pond just to get the desired distance from the pond.

Susan Peters summarized the application and the relevant provision in the ordinance. She shared that the applicant had presented all the things the application requires. Susan PH asked for clarification about the seasonal nature of the proposed building. The present cabin is not insulated and seasonal; the proposed building will have heat and insulation but will be only used seasonally by the owners. It was suggested that the word seasonal be eliminated in relation to the new building. The description for the minutes is that a seasonal cabin is being replaced by a cottage.

Susan PH suggested that if the applicant is willing to tweak the location some more so that it is not any closer to the water, that would be best. Christine explained that the point on the porch that looks closer is actually further away from the water than the present deck. Susan Peters stated that there is a portion of the deck that looks like it might be closer to the water because of a jog in the pond. Michelle also asked about the proximity of the deck to a portion of the waterfront. The goal is that the new building be more nonconforming since that is what the ordinance requires.

Lynn asked if they could tweak some more so that it is further back from the water. Susan PH suggested that the decision give a specific measurement so that the code enforcement could know whether it was built in accordance with the ZBA decision. Susan explained that the decision would stipulate the distances given on the application. Lynn explained that they were quite sure that these are the minimum distances. Christine pointed out that an indentation that was created by beavers and asked what would happen if beavers increased the indentation. The answer was things could change in the future by flooding or other natural causes.

Susan Peters closed the public hearing at 7:47 PM. The board worked to craft a motion. The proposed building distance to the pond is 38 feet from the main structure and 26 feet from the deck. Paul suggested that the wording be that it can not be any closer than the existing structure and not use actual distances. Susan explained that the majority of the building is further away because of the design. Susan PH suggested that the shape of the deck should conform to the shoreline. The board discussed the wording. Susan PH pointed out that the motion needs to include that it is more conforming to meet the requirements of the ordinance.

Susan PH moved and Paul seconded the following motion: “We grant the motion for a Special Exception to replace the existing non-conforming residence at Map 3, Lot 13C with a new single-unit residential building, provided that house and deck are no closer
to the water than the existing house and deck, in the case of the house not less than 38 feet to the water, and in the case of the deck not less than 26 feet from the water, as shown on Attachment A.”

Susan read the summary which includes the possibility to appeal and Christine asked on what grounds someone could appeal. The secretary explained how NH law allows an appeal in the 30 day period but he did not think that it would hinder receiving a building permit unless the code enforcement officer says differently. The board examined carefully the instructions and explained that the only basis for an appeal is that the board made an incorrect decision not just that someone did not like the proposal. Susan PH explained that is why the board goes through the five step process.

Christine asked about the building permit process and the board referred her to Mike Borden to get a building permit as soon as possible.

Michelle moved to adjourn at 8:26. It was seconded by Susan PH and the motion passed.

Respectfully submitted,

Neil R. Sandford
ZBA Secretary