

Approved February 24, 2023

ZONING BOARD of ADJUSTMENT
October 18, 2022
Site Walk Map 120 Lot 006

Vice Chair Anderson called the Site Walk meeting for Mark and Donna Houston at 22 South Shore Road, Case #2022-010, Map 120, Lot #006 to order at 10:05AM on Tuesday, October 18, 2022.

ZBA Members David Bickford, Linda Callaway and Wendy Anderson were present, as well as Deb Randall, Architect, and Joshua Thibault, Varney Engineering. New Durham Building Inspector, Scott LaCroix, arrived shortly after the meeting began.

As the discussion started, measurements of the existing retaining walls and parking areas were taken; at the point next to the stairs, the upper retaining wall closest to the road was 9 ft. from the point closest to the house (8ft from the point closer to the parking area) over to the curb of the existing parking area.

Mr. Bickford told Ms. Randall that the required (parking) space size is 9'x21'. Ms. Randall said if the length were 21', they would not be able to get four (4) cars along the road. They would still have to get a variance for it. They would need 84 feet to get the 4 necessary parking spaces. Discussion turned to the location of the septic. The leach field was located under the existing paved area where cars are currently being parked. (It was later noted that it was deep enough that parking on top of it was not an issue). The leach bed is within the property line and between that and the fence. Mr. Bickford asked if there was a 10' setback for the leach bed. Mr. Thibault said it was an existing leach bed, and he is not sure if they designed it or not. At some point, obviously, a variance should have been received for that.

Ms. Randall noted that if new parking spaces were necessary, there would potentially be a new septic, new parking retaining wall which would be substantially larger than the existing wall, and then fill. Mr. Bickford agreed. Ms. Randall noted the alternative was asking for a variance to continue parking on the town property. Mr. Bickford mentioned it would not come from him, and Ms. Randall says she is just clarifying.

Ms. Callaway noted it's about a 21 inch drop from the level where the cars are parked at the top of the step to the top of the retaining wall. Mr. Bickford explains that if these cars can't come off the road, then they may not want to expand – at least that's the Planning Board's decision. There can be no expansion if you can't accommodate 4 vehicles – clarifies expansion off the lot.

Mr. Thibault and Mr. Bickford discussed lot borders and noted there is one corner marker found about 6 feet from the parking pavement on the east side of the property but none on the west side. They are assuming the position would probably be the same. Mr. Bickford commented that they can't get the vehicles off the town property as things exist, so the applicants need to reconfigure and get the cars off the road. Ms. Anderson clarifies that the reason for coming out today was to verify where the pins are and where the actual structure is. Mr. Bickford said he wanted to see if there was actually room, and he didn't want people just saying "you can't do

that” and that they need a variance, however the board does not have the authority to give a variance for parking on a narrow road.

Ms. Callaway notes that the actual parking did not come up in the overall application; it was something brought up in the meeting. It was not a variance request. It was just part of the discussion, so it needs to be accounted for before making any decision. The item will have to probably be added in as an issue to be considered as part of the Special Exception. There is nothing on the application on paper which actually brings the parking up as an issue.

Ms. Anderson noted David’s question as to whether the Special Exception being reviewed covered the parking issue. Mr. Bickford added possibly the Special Exception wasn’t the way to go. Ms. Anderson confirmed it was not clear and said that at the end of the meeting last Tuesday, when Ms. Callaway brought up that he should discuss this issue with the Planning Board. Mr. Bickford said it was not on the agenda, but he would bring it up at the next meeting.

Before wrapping up, Ms. Anderson said she was satisfied with what was on the plan and wanted Mr. Bickford to also be satisfied. Mr. Bickford suggests taking a walk around the property while they were there.

Ms. Randall recaps they were talking about 21 inches of fill, rounded up to two feet (at the steps). Mr. Thibault mentions they would like to leave the parking as-is, but Mr. Bickford wants it moved off the road. Mr. Bickford thinks it is doable. Ms. Randall was concerned that moving the parking gets it closer to the lake with road level debris and potential new paving. It will move a possibly 20’ high retaining wall closer to the lake and impacting drainage, and this seems to contradict the concerns about the quality of the lake, which is what everyone is shooting to preserve.

Ms. Anderson notes the retaining wall would be moving closer to the lake and need to be totally reconstructed. They would have to deconstruct everything in front of the house, between the house and the road, and construct a new retaining wall that’s structurally sound enough, possibly necessitating a structural engineer to review stability. Mention was made of the woodland area on the east side of the property, and the large diameter trees that need to be saved. They have a large canopy and root system that could be impacted and would require considerable effort.

Ms. Callaway added her concern is much of their discussion is the impact on the applicants and not the fact that this is going to be permanent. The repercussions will go forward for decades. This is not specific to this case. We tend to focus on the immediate cost, etc., but the purpose of the variances, etc., is when these camps are being upgraded, they must be done looking to the future. Although there will be more disturbance, there is room to put in more drainage mitigation factors to ensure the quality of the lake in perpetuity.

Mr. Bickford isn’t sure about needing to impact the trees – they can always stay with what they have and not expand. There is some discussion on the “grandfathering” and how that would be saying it’s ok for them to just keep the cars parked on the town property.

Approved February 24, 2023

Although most questions were answered, everyone decided to take the walk around the property. The front door would be getting an overhang, not be enclosed and have one post over the current decking area. Other than the steps on the back of the house moving from the east to the west side, nothing else will change. The current cinder block foundation will be completely removed and replaced, going 4' into the ground.

Ms. Randall again raised the concern about changing the retaining walls and moving the parking closer to the lake and not having a slope any longer. Ms. Anderson asks Mr. Thibault to confirm with Mr. Varney about the woods and if it is all counted toward Shoreland. Yes, - it cannot go under 25% so they have to keep everything. Ms. Anderson thinks that moving the retaining wall forward is trickier, and moving the slope forward isn't an option because of the trees complying with the shoreland laws. It couldn't be a stepped retaining wall anymore. Moving the wall forward precludes that. Which is part of the findings of fact that we have to list and deliberate on.

Motion: *To adjourn the ZBA site walk. Motion by Vice Chair Anderson, Seconded by Mr. Bickford. Roll call vote:* Mr. Bickford – aye, Ms. Callaway – aye, Ms. Anderson – aye. **Motion passed 3-0-0**

Who move & 2nd the motion to adjourn???

Meeting adjourned at 10:30AM.

Respectfully submitted:

Linda Callaway