

**DRAFT**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**October 25, 2016**

**Members:** Steve Filipi, Gretchen Wittenborg, Bob Handy, Jack Ernst and Alternate Chad Beede, seated for Cathy Davis.

**Others Present:** Susan Silverman, Selectmen's Representative, Carmen Yon, alternate ZBA member, Paul Grasewicz, project engineer, John LeClair, project contractor, applicants Mr. & Mrs. Wood and an abutter to the applicant's property..

**CTO:** 7:00 PM.

**7:00 PM Public hearing continued. Jacqueline Wood** appeal for variance to replace two dwelling structures on the subject lot and consolidate building footprint into one structure on property located at 446 East Lake Road, Map 23, Lot 3, Rural District.

Filipi seated alternate Chad Beede for Cathy Davis.

Mr. Grasewicz presented plans depicting information requested by the Board at the last meeting. He submitted a letter from the architect regarding the use of piers and submitted a letter from an abutter in support of the project.

He noted that several modifications had been made to the plans, including the new dock, which will be 6 feet wide and 30 feet long, meeting DES specifications. He added specs for the dry well, which will be located between the proposed house and parking area on the street side of the property. It is designed and placed to accept runoff from the house roof. Its capacity was calculated based on a 2 year, 2.9 inch rainstorm. He said the proposed row of plantings will catch sheet water runoff from the road.

Notes on the plan indicate that all proposed plantings will be mature. Straw wattles will be placed along the shoreline. Two trees near the street will be removed. Grasewicz reported that there is no foundation wall on the street side, but rather a partial mortared stone wall and scattered rocks.

There were questions about excavating for the foundation and Grasewicz said that erosion controls will be in place prior to excavation. He noted that a foundation had been excavated on another lot recently that was just 6 feet from the Lake and nothing went into the Lake.

Wittenborg noted that at an earlier meeting Mr. LeClair had suggested there would be a crawl space under the house, not a basement. Mr. LeClair stated that it depended on what is found as they excavate. Handy noted that the Lake is at its lowest level now, but it will rise.

The proposed new deck is 432sf, 120sf less than the existing decks. The Board reviewed the requested additional elevations of the proposed house. Handy asked about the length of the house – it will be 36 feet long, without the deck, and is 1126 sf of floor space.

There was some discussion about how to address grade differentials for the foundation and Mr. Le Clair said the architect will figure it out.

**DRAFT**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**October 25, 2016**

There will be two bedrooms and one office. Filipi noted that state septic requirements will not apply since the State determined that a holding tank with an alarm will serve instead. Beede asked where snow will go. Grasewicz said at the end of the parking area near the plantings or across the road.

Filipi recalled that the Board had conditioned a previously granted variance on the Lake, on receiving erosion monitoring reports from Mr. Grasewicz following every ½ inch rainfall event.

Filipi asked the Board if it was ready to deliberate on the findings. Ernst moved, Handy seconded and the Board voted to close the public hearing. Yon reminded the Board that they had previously suggested the applicant go to the Conservation Commission and Planning Board for review of construction plans because the proposed construction is so near wetlands. He proposed that any variance should be conditioned on that review.

Wittenborg described this lot as 3100 sf with the building five feet from the Lake reference line and every square inch of it is being used for year round use, creating a much larger and more intense use on the land. She acknowledged that Mr. LeClair and Mr. Grasewicz are doing everything they can to make it work, but questioned if it was a wise or effective use.

Ernst asked if the State had weighed in – Mr. LeClair said yes. Ernst said that, in his experience, the State is fairly strict with their inspections. He added that the Selectmen can ask the State to conduct an inspection since the wetlands are confining here. Wittenborg shared a 10 page list of plantings appropriate for riparian areas. She added that the town can be more restrictive than the State regarding the use of pesticides. Ernst wondered how the conditions would be enforced, and by whom. Filipi said that the conditions are an agreement that the applicant must conform to, even without an inspector.

Filipi suggested screw in piers that do not require excavation, especially on the lakeside. He said that would minimize impact on the land, and grading and frost problems will not have to be dealt with. There was some discussion about the drawbacks and benefits of piers.

Regarding conditions, the Board agreed that the following should be included: proper removal of hazardous materials prior to demolition; mature plantings (minimum of 3 feet tall), with no impact on existing root structures; no lawn, but natural vegetative growth; the new dock meets State requirements; Paul Grasewicz will oversee the construction, especially the hazardous material removal prior to demolition of the existing structures, erosion control and construction of the foundation; and going forward, inspection after ½ inch of rainfall, and inspection twice a week until the back wall/foundation is in, final stabilization is achieved, and final Shoreland permits and DES approvals are received. Filipi said these are the two most critical phases of the construction, and will last roughly two weeks. He added that the new plan makes the property more conforming, roof water will be going to dry wells and not into the Lake like it is now; and the applicant will go to the Planning Board and Conservation Commission for final review.

Wittenborg asked if a partial pier foundation could be considered. Ernst said it would depend on what they find when excavating; adding there may not be room for foundation forms. Filipi said that if Grasewicz oversees construction then it is OK without piers.

The Board considered the variance criteria.

**DRAFT**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**October 25, 2016**

Before granting any Variance from the provisions of this Chapter, the Board of Adjustment shall make specific findings that all of the following conditions are present:

- (a) The variance will not be contrary to the public interest.* The Board agreed unanimously, noting that the destabilization during construction will be addressed by the Grasewicz inspection reports.
- (b) The spirit of the ordinance is observed.* The Board agreed unanimously that the conditions of approval will insure that the Lake remains pristine.
- (c) Substantial justice is done.* The Board agreed unanimously that the project will make the use more conforming as long as the conditions are met.
- (d) The values of surrounding properties are not diminished.* The Board agreed unanimously that surrounding property values won't be diminished by the proposed project.
- (e) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.* Filipi said the applicant has two living structures on site now with a bathroom in only one of them; the new plan will remedy that situation. The Board concurred.

The Board approved the variance subject to the following conditions:

Conditions re: 446 East Lake Road, Fitzwilliam:

1. An audit by a licensed individual or company regarding hazardous substances is to be performed prior to demolition of both buildings. Findings are to be addressed and recommendations are to be complied with. Certification of compliance to be received by Board of Selectmen prior to the issuance of a Demolition or Building permit.
2. Plantings must be mature plantings, a minimum of 3' in height. The area designated "flower garden" as shown on the Grasewicz plan of 10-25-2016 is not to become cultivated lawn in the future.
3. The new dock is to meet the State of New Hampshire's current requirements.
4. The Applicant is to go to a Wetlands Hearing with the Planning Board in consultation with the Conservation Commission for review of her plans.
5. Paul Grasewicz is to inspect the site for erosion control issues after every storm involving more than ½ inch of rainfall from start of demolition to completion of construction and permanent site stabilization. Paul will inspect erosion control/silt fence installation prior to any demolition or earthwork is performed. He shall submit a report to this Board and the Board of Selectmen within 7 days of any required inspection. The Board of Selectmen shall not issue any occupancy permit for the new dwelling until they have received a final report from Paul Grasewicz stating that the requirements of the approved shoreline plan and final site stabilization, plantings, grading, etc. have been completed and comply with the requirements of both the State of NH Shoreline requirements and the conditions of this variance.

The cost of all conditions are to be paid for by the applicant.

Susan Silverman joined the Board to discuss their concern that a driveway permit has been issued for a house on Webb Hill Road that the Board feels is unsafe due to water runoff. The Board did not condition their

**DRAFT**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**October 25, 2016**

approval of the plans on there being only one driveway entrance, even though they discussed it, deciding finally to leave the decision to the Road Agent and the Selectmen. Handy still feels that water running across the road will jeopardize the nine families that use Webb Hill Road, especially in winter conditions causing icing.

**Minutes.** The board reviewed October 11, 2016 meeting minutes. Ernst moved, Handy seconded and the Board approved the minutes as written.

The Board adjourned at 8:47 pm.