A meeting of the Zoning Board of Adjustment was held on January 7, 2020 in the Knightly Meeting Room of the Municipal Office Building, Geremonty Drive, Salem, NH.

PRESENT: Bernard Campbell, Chair; Bonnie Wright, Vice-Chair; George Perry, Secretary; Jeff Hatch; Michael Smith; Thomas Raskow, Alternate; Claire Karibian, Alternate; Ross Moldoff, Planning Director, and Jacob LaFontaine, Assistant Planner

The meeting was called to order at 7:00 p.m. Chairman Campbell introduced the board members and explained how the meeting will proceed. The ZBA is a quasijudicial board, and all testimony should be truthful and accurate. Per the Statute, all the board members have visited all the sites.

REVIEW OF MINUTES

1. December 3, 2019 – Regular Meeting

MOTION by Mrs. Wright to accept the minutes of the December 3, 2019 meeting as printed.
SECOND by Mr. Hatch.
VOTE ON MOTION: 3 – 0 – 2 (Mr. Perry and Mr. Smith abstained.)

Chairman Campbell stepped down from the board. Mrs. Wright took over as Chairman. Ms. Karibian joined the board.

PETITION # 1 – Map 70, Lots 4506 & 12082
Robert and Michelle Murphy hereby request a Variance from Article III, Section 490-301C(1), and asks that said terms of the Zoning Ordinance be waived to permit a lot line adjustment subdivision by which Lot 4506 is reduced from 28,800 sq. ft. to 21,600 sq. ft. where 25,000 sq. ft. lot size is required, and to permit construction of a single family home on the revised Lot 12082, having 100ft. of frontage and 12,000 sq. ft., where 150 ft. frontage and 25,000 sq. ft. lot size is required in the Residential District.

Property Location: 9 & 11 Burns Road

Abutters: Cabral was present.

Attorney Bernard Campbell, from Beaumont & Campbell Professional Association, is here on behalf of Robert & Michelle Murphy who are present. This is a request for a lot line adjustment subdivision for property they own on Burns Road. They own two lots of land on the southerly
side of Burns Road. Currently lot 12082 is a 40 foot x 120 foot rectangle parcel, vacant and wooded, which he showed on the plan. The second parcel is 4506, which he also showed on the plan. It has an existing dwelling, shed, deck and pool. We are proposing to take parcel A from one parcel (lot 4506) and add it to another parcel (lot 12082) to make it 12,000 square feet, and have 120 feet of frontage and equalized more. And allow a better situation for development, which likely wouldn’t require any future variances. The area has municipal water and sewer. All the area to the south of this site, are on an old plot plan. The area is currently all wooded and undeveloped. This area is not used for this lot so we are asking to subdivide. If we get the variance, we would have to go to the Planning Board for approval of the subdivision. He then read through the criteria.

PUBLIC INTEREST: The variance will not result in any threat to the public health, safety or welfare; new lot configuration will not impact character of neighborhood which reflects smaller lots created in a “recreational area” pattern; increase size of lot 12082 to provide more adequate building envelope; both lots are (or will be) served by municipal water and sewer. He discussed the surrounding lots.

SPIRIT OF ORDINANCE: Purpose of lot size requirement is to regulate density; prevent overcrowding and provide adequate space for waste water disposal; area is served by municipal water and sewer; adjustment area is not effectively used for lot 4506 now; increasing size of lot 12082 would promote intent of ordinance, by providing uniform spacing.

SUBSTANTIAL JUSTICE: Subdivision would allow increase in lot 12082 to be more appropriate residential lot. Area to be transferred is not currently utilized by lot 4506; construction on new lot allows reasonable use of that property intended for residential use; there is no apparent “gain” to the community by denial of the request.

DIMINUTION: Use as single family home is permitted use; new structure on lot 12082 is expected to meet all setbacks; and will be connected to municipal water and sewer.

HARDSHIP:

Special Conditions: Current small vacant lot is not conducive to residential use; Lot 4506 has considerable area not effectively used for existing residential structure.

A.

i. Current lot size requirement (25,000 sq. ft.) was increased from prior allowed size (10,000 sq. ft.) to regulate density in newly developed areas; this lot is pre-existing at a time when 10,000 sq. feet would be allowable; lot has water and sewer and has sufficient land to support subdivision.

ii. It will allow lot 12082 to better serve as a residential lot and come closer to compliance with minimum lot size.
Ms. Karibian asked, in regards to timber on the property, those will be cut down? Attorney
Campbell said, a significant amount of the area will need to be cleared, yes. Ms. Karibian said,
when land is developed, a land use change tax is charged, usually at a rate of 10 percent. Will
that be initiated in this case? Attorney Campbell mentioned RSA79A, and explained that in order
to enroll in that, you must have a minimum of ten acres, unless you are talking about a specific
wetland area. None of this area qualifies by size, so none of it is enrolled in RSA79A because
none of the lots meet the 10 acre requirement. So there is no current use assessment for any of
the property.

Ms. Karibian said, because trees will be cut, water runoff will be increased. Will the plan
approve any drainage or installing a swale for the water to run off into the drain? Attorney
Campbell said, when we get to the Planning Board stage, the Engineering Department will look
at that. It is not designed yet. It will probably run off to the east. There will be no abutters except
for the town that will be impacted. He expects that if there are questions about runoff, those will
be addressed through the Planning Board. Ms. Karibian asked, will the timber you cut amount to
20 cords of wood? Attorney Campbell said he can’t answer that. If you are asking if an intent to
cut needs to be filed, under RSA chapter 72, his understanding is that the development of a house
lot doesn’t require the filing of intent to cut, under the timber tax statute because there is an
exception for lot development. So he doesn’t think there are any timber tax issues. Ms. Karibian
said, looking at the New Hampshire timber harvesting law, page 31, it does indicate that notice
of intent to cut per RSA79 is required when cutting more than 10 mbf, and that is required.
Attorney Campbell said, if it turns out that there is a requirement for an intent to cut, they’ll
submit the required permit application.

Mr. Smith asked, is there sewer on the road currently? Attorney Campbell said yes. Mr. Smith
asked, have you looked at removing the pool, cutting the deck back, and putting the lot line
closer to the existing dwelling to give you more square footage? Attorney Campbell said, it was
looked at. It was felt that this proposal was reasonable at 12,000 square feet. If we move it, it
would diminish further lot 4506. The 12,000 square feet that we are proposing, we think it is
reasonable. And as we indicated, the standard probably was originally 10,000 square feet, but is
now 25,000. We felt that the line we’re proposing corresponded with the developed area for
4506 and there was a desire to maintain the existing pool thinking that the vacant lot would be
large enough. Mr. Smith said, you do talk about smaller lots. But what about larger lots and how
they are different from this lot? He gave examples of larger lots. How is this lot different from
the bigger ones? Attorney Campbell said, because we have two. We are asking to do a lot line
adjustment. He is trying to bring a smaller lot more into compliance. To go further encroaches
into the developed area of 4506. We think we meet the criteria with the line we show. There are
other lots in the community that have 10,000 square feet.

Vice-Chairman Wright asked if there were any abutters to speak in favor of this petition. There
were none. She asked if there were any to speak in opposition. There were none. She then closed
petition # 1.
Mr. Smith said, this lot was created by our Board of Selectmen. So we are stuck with it. It was merged and now they unmerged it. If we don’t allow this, they can come back for a variance to put a house on what they have. If we deny, what can they do with the lot?

Mr. Hatch said, we have two lots side by side, owned by the same person. One is significantly smaller than the requirements. However, that smaller lot is pretty much the same as the surrounding lake lots. They are doing us a solid because we’d ask them to do this if they came in for a variance just for the smaller lot. If we deny this, they’ll come back for a variance for the lot with 40 feet of frontage. He explained the variances it would need. At least this way, it is an even trade, we’ll get a bigger lot and they will get a variance for frontage, but they’ll be all set with setbacks. He explained that it is making it more conforming. So he is in favor of it.

MOTION by Mr. Hatch to grant the variance with the following stipulations – they work with the town for the sewer betterment fee to be assessed; and work with the town engineer for roof and driveway runoff so it is infiltrated properly, and the sewer location.

SECOND by Ms. Karibian.

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<td>Mr. Hatch</td>
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<td>Vice-Chairman Wright</td>
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VOTE: 4 – 1 MOTION PASSES. PETITION # 1 GRANTED WITH STIPULATIONS.

PETITION # 2 - Map 99, Lots 918, 919, & 12606
Salem Manufactured Homes, LLC hereby requests a Variance from Article III, Section 490-301C(1), and asks that said terms of the Zoning Ordinance be waived to permit a lot line adjustment subdivision with result that lots 918 and 919 will have 141.67 ft. of frontage, and lot 12606 will have 141.66 ft. of frontage (increased from 75 ft.), and further permit construction of single family homes on all three (3) lots, where 150 ft. of frontage is required in the Residential District.

Property Location: 26, 28 & 30 Granite Avenue

Abutters: Carroll and Halwig, Sederquest, Webster and Pierce were all present.

Attorney Bernard Campbell from Beaumont & Campbell Professional Association, is here on behalf of Salem Manufactured Homes LLC. Also here is the principal officer, Glenn Gidley. Currently there are three separately owned lots that exist on this stretch of land, which he showed on the map. He explained the lot sizes of each lot. The plan is to demolish and remove the existing homes, and reallocate the frontage so that all of the lots meet the lot size at over 25,000 square feet, and all of the lots are shy of frontage by less than 9 feet. So we are basically clearing it off, divvying it up and moving the three lots. They will all conform in size and they are all about 8 ½ feet short of frontage. The other advantage is, #30, on the assessment card it indicates that the house was built prior to 1900. It is about 6-7 feet off the right-of-way. It is the closest to...
the street line on any of them, and the lot line is approximately 10 feet to the existing lot.
Demolishing all the houses will allow this structure to be moved into the typical setback. We have municipal water and sewer. The only variance we need is for the frontages. He then read through the criteria.

**PUBLIC INTEREST:** Plan results in all three (3) lots having conforming lot size and equal frontage which is very close to allowed frontage; there is no threat to the health, safety or welfare for the community; variance will not alter essential character of neighborhood, as most frontages are considerably less than proposed under plan. In addition, the demolishing of the existing structure that is very close to the road line, would probably be considered a safety enhancement if someone wanders off Granite Avenue.

**SPIRIT OF ORDINANCE:** The frontage requirement is to regulate spacing and density and provide adequate space for access; three (3) lots already exist with unequal frontage; proposed frontages are consistent with neighborhood; plan removes non-complying structure and makes all lots conforming as to size.

**SUBSTANTIAL JUSTICE:** Allowing three (3) lots to each have reasonable frontage, there is no apparent gain to the community in denial of the request.

**DIMINUTION:** Two residential uses already exist; proposal would allow one (1) additional lot for residential use; served by municipal water and sewer; use is permitted and consistent with area; structure with non-conforming setback will be removed.

**HARDSHIP:**

**Special Conditions:** Lots were created prior to zoning. Lot 12606 is significantly substandard for frontage and lot size.

A.

i. 3 lots exist with frontages established before enactment of current frontage requirement.

ii. The requested frontage variance is minimal (less than 10’) and the resulting frontages are still larger than predominant neighborhood. Lot 12606 becomes conforming as to lot size.

Ms. Karibian asked, will these be constructed with traditional homes or a manufactured home? Attorney Campbell said he has worked with Mr. Gidley for a significant period of time. There are modular homes that can be developed that look nice.

Glenn Gidley said we don’t have specific house plans for the home sites. Typically we have a home site that will be put on the market for sale, and then potential buyers choose their home. It can be any range of home. They would all be single family homes. It will be driven by what the buyers want.
Ms. Karibian asked, these will be sold as lots? Is it up to you to provide the home? Mr. Gidley said, typically we provide the home and lot. Ms. Karibian asked, they can have a modular home or a house? Mr. Gidley said that’s correct. Ms. Karibian said she didn’t notice any modular homes in that area. Mr. Gidley said, there are several manufactured and modular homes in that area. They are basically indistinguishable from site built homes which is probably why you didn’t notice them. Anything we’d do there would be an enhancement over the homes there and will also complement the neighborhood as far as values and aesthetics.

Vice-Chairman Wright asked if there were any abutters to speak in favor of this petition. There were none. She asked if there were any to speak in opposition.

Tom Carroll, 22 Granite Avenue, is right next to what used to be lot 919. It is now split into two. He then gave information to the board. There is a prime wetland on the old 919 lot. And typically there is also a buffer zone associated with prime wetlands. One concern is, in periods of heavy rain we get significant water in our basements. There is a concern, that there is a significant amount of woodland that will be cleared and plant growth which helps assist with the water. He discussed rain and water issues. About one third of what used to be the total of 919, is prime wetland. Now it has been split into two different lots. Now with a foundation or slab, and clearing of the property, this will impact the permeability of the soil there, to absorb the rising water table. It will change the way that area now manages water, which isn’t good in major rain events. He has no idea what will be put on the properties. There is only one manufactured home in this vicinity. The addition of manufactured homes in that area is not in the benefit of current homeowner’s property values. He is not objecting to being able to put two homes there. He is objecting to the third one. We prefer homes other than modular. The abutters are asking this board to see it from our perspective. To put three in and have less than the same quality homes put in there, will have an impact on the value of our homes.

Mr. Hatch asked about the prime wetlands. Mr. Moldoff said that will be handled at the Planning Board. There is a 100 foot natural buffer, when it is existing, it has to stay in place from the edge of the prime wetland, to the nearest development. If it is wooded, then the trees from the edge of the prime wetland, to the nearest cutting, you need a 100 foot buffer. We will look at that when it comes to the Planning Board. We don’t have that information now. Mr. Hatch asked, when it comes to the Planning Board, they will have a survey showing where the wetland is? Mr. Moldoff said yes.

Mr. Perry mentioned the Tuscan Village project where the floodplain is being changed. Will that help or hinder this? Mr. Moldoff said, there is impact to the floodplain in the immediate vicinity of Route 28 and the old racetrack parcel. He doesn’t know if it impacts here. It will lower the floodplain elevation in that vicinity by their parcel but he doesn’t know if it will have impact here.

Ms. Karibian asked, is it possible that, once the Planning Board determines that they need a buffer of 100 feet, is it possible to build a house in that area? Mr. Moldoff said he doesn’t know because he doesn’t know where the wetland is. We can get that when they come to the Planning Board.
Board. They can apply. They have to go through a process with the Conservation Commission and Planning Board. They can apply to waive that buffer requirement. He doesn’t know if they need to yet. Mr. Hatch said, just because we grant this, the Planning Board may say no because of that. So just because we say yes, it doesn’t mean there is any guarantee.

Attorney Campbell said, the question of the existence of wetlands on the site, will be developed through the Planning Board resubdivision process. Regarding the abutter, who said this is his only opportunity, no it is not. He will get an opportunity to come to the Planning Board when the soils have been mapped. We don’t know the extent of where the prime wetland is. That will have to be determined. The impact if any, and paper street behind this lot, may or may not have an issue regarding where the prime wetland extends or doesn’t extend. There is a lot there now and it can be developed as it is. The only variance we are here for is frontage. Mr. Carroll is concerned about the third house and we have a fairly good sized lot as it is. The lot exists now. We’ll be mapping and the Engineering Department will weigh in on drainage. There is an opportunity to go to the Conservation Commission to ask for certain relief from the wetland ordinance. There is a process we have to go through. He appreciates the concerns, but we have three lots now and there will be potentially three structures here but we are seeking to clear up some things regarding the pre-existing houses that are there, and equalize frontage to make the lot more conducive to the type of housing Mr. Carroll would want. If the lot stays in its current configuration, it is more limiting in terms of what can be built and the type of house that can go there. With the granting of a variance, and allowing us to go for a subdivision to make that lot larger, it enhances the abutters’ ability to get the type of house they would like to see. The granting of the variance will increase the likelihood that he will see a house he’d more appreciate as opposed to leaving it in its current configuration.

Mr. Gidley said, the intent is to create three lots that are more balanced and will allow us to put three homes that fit the neighborhood better. Without a variance, then we’ll have two conforming lots that we can get permits now for, and put up two homes, and then we would be back for relief asking to put a smaller home on a smaller lot. We have gone through an expense to do this, and we didn’t have to do this. We are trying to create three better lots that fit better into the neighborhood, and put more conducive homes that they are looking for. The only way to do that, is to grant the variance. Regarding wetlands, we’ve had a professional look at the site who said, if we get the variance, based on his field review, he would be able to provide mapping to allow a single family home to be built there. He also said, if we have these frontages balanced out, we can probably build the homes in more compliance, and be able to more likely meet setbacks or better, than without a variance. We are asking for approval. If we get that, we will submit the subdivision plan and at that time, we will review drainage and submit a plan that will work there. We have owned property in that neighborhood for well over 80 years, and we won’t do anything out there to flood anyone or negatively impact the neighborhood. We can provide conceptual home plans at the Planning Board stage. We want to get through this before investing more money. The area where the homes will go, have never flooded on that property. Salem is currently replacing the culvert under Route 28. The engineering that we’ve seen and reviewed, it should be a significant improvement in the area. That’s important to us since we also own other properties on Route 28 that do get flooded. We all have the best interests of the neighborhood in
mind and we’d appreciate being able to move forward to try to make this a big improvement on the street.

Mr. Smith asked, lot 12606 was created by an un merger that was approved by the Board of Selectmen, correct? Attorney Campbell said, yes that is correct. He explained the origin of the un-merger statute, in which he attended those hearings. The purpose was to try and protect the property rights of property owners to say, this is a separate lot and was a separate lot and the municipality took action to take away that status as a separate lot. The statute was intended to allow a property owner to get that status back. In this case, the determination was that, there are three lots there. The town didn’t create the lot but re-established a lot that it took away. It is not fair to say, it was illicitly created. You must assume that the lot was separate, and the town took action to modify the tax map to make that clear.

Ms. Karibian asked, regarding the homes there, does anyone live there? Attorney Campbell said, they are vacant and have been for about a year or so. Ms. Karibian said, pending the planning stage, we can allow the frontage variance, but the Planning Board can say no, you can’t build three homes and it has to go to the Conservation Commission. Attorney Campbell said, if it is determined that there is prime wetland in proximity, and if the ordinance extends it onto this parcel, then they’ll know if they need relief or not.

Vice-Chairman Wright then closed petition # 2. She hears the abutter’s concerns, and she sympathizes. We have three lots and we have no control. We can’t say, you can’t build a manufactured house there, or that you can’t build on one of these lots. It is a lot of record. Our hands are partially tied. All we can do is decide if we can split them to make them more equal or leave them as they are.

MOTION by Mr. Hatch to grant the variance.

Mr. Hatch said, the three lots are there. We are here to grant frontage. He feels that they meet the criteria and it is fitting with the neighborhood and it will be bigger than many of the lots in the neighborhood.

Mr. Hatch added the stipulation that they have to work with the town engineer for water runoff as far as the roof and driveway and anything else.

SECOND by Mr. Perry.

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VOTE: 5 – 0 MOTION PASSES. PETITION # 2 GRANTED WITH STIPULATIONS.

Vice-Chairman Wright said she hopes it will be low income.
Chairman Campbell rejoined the board. Ms. Karibian stepped down from the board.

**PETITION #3 – Map 40, Lot 5374**

Michael & Susan Sullivan hereby request a Variance from Article III, Section 490-303C(1), and Article VIII, Section 490-804, and asks that said terms of the Zoning Ordinance be waived to permit the construction of a new single family dwelling with side setback of 9 ft. to the dwelling, side setback of 10 ft. to detached garage, and high water setback of 41 ft. to the dwelling, where 15 ft. side setback and 50 ft. highwater setback is required in the Recreational District.

**Property Location: 11 Cove Road**

**Abutters:** There were no abutters present.

George Fredette is here to represent Michael & Susan Sullivan for a variance application. They are looking to raise this existing home. The building has been there since 1955. They purchased it in 2016 and they plan to improve the property. This lot is one of a couple in a row that are long narrow lots. It is just under 50 feet wide and with setbacks of 15 feet on each side, that would mean that a home could be built under 20 feet wide to be conforming. The existing building is wider than that. That’s why we are here for a variance. He showed the plan. The new home will generally be in the same location as the current one. By redeveloping the property, it will have a more comfortable home and it will upgrade to the current building code. He explained that it will mitigate steep slopes. He explained the configuration of the house. If we are granted a variance for the setback encroachments, we will also have an application for a new septic system. The original septic system is in front of the existing home and was built in 1955 and has not been rebuilt since. They keep it going by pumping it twice a year but it is probably not a standard septic system. There will be a new septic system. If we move forward, we are within the shoreland, and there will be a shoreland permit. There are two different variances that we are looking for. One is for the property line setback, between the property line and the building. The existing building setback is 8 feet to the building, and we propose to be 9.8 feet to the dwelling. On the existing dwelling, there is a set of stairs. They are counted in the setback so it is now 4 feet, but the main structure is 8 feet away. The new one will be a little further away. The garage, which is a new structure will be just over 10 feet away from the property line, but in both cases becoming more conforming than what is there. Regarding the high water mark, the existing setback to the building is 39 feet, and we are moving the building back slightly to 41 feet, still nonconforming, but making it a little more nearly conforming. In the shoreland permit application, there is a provision for unaltered property and there is unaltered land within 250 feet to the shoreland protection area, so that becomes protected. So there is a limit on how far we can move the building. The proposed building is 24 feet wide by 40 feet long and there is a10 foot deck. He then read through the criteria.

**PUBLIC INTEREST:** It will allow for replacement of residential building, built in 1955. It will increase the tax base of Salem. The driveway entrance onto Cove Road will be improved with this project. A new subsurface disposal system will support this dwelling. New stormwater
management systems will protect the stormwater runoff quality that contributes to Arlington Lake.

SPIRIT OF ORDINANCE: This will allow this proposed residential use to be developed within a neighborhood that has like uses. Setbacks to the lake will become more conforming because new building will be further from the shoreline. Setbacks from property lines will become more conforming because new building will be further from the property line. Building will be upgraded because construction will be in accordance with current building code. This development will protect and promote the public health, and general welfare of the residents of the town through the use of best management practices for stormwater management.

SUBSTANTIAL JUSTICE: It will increase the tax base in Salem. It will allow a Salem citizen to improve his property. The infrastructure will be improved because the existing disposal system will be decommissioned and removed, and will be replaced with a new subsurface system that is further removed from the lake.

DIMINUTION: Improvement to the property will increase subject property and abutting property values. The proposed use is similar to abutting uses. The architectural style of the proposed development will be in the character of the neighborhood. Stormwater quality will be improved by increased setback to Arlington Lake, and by installation of best management practices.

HARDSHIP:

Special Conditions: The existing lot was created in 1950 and is substandard with respect to current zoning ordinance. The property is currently occupied by a building constructed in 1955. The building is deficient with respect to current building code and with respect to building condition and function. Vehicular access to the lot and pedestrian access to the residential building are challenging due to steep slope.

A. Not used.

B. Existing lot configuration and setback requirements yield a building envelope that is quite impractical.

Mrs. Wright said, she doesn’t have a problem with the house. Her concern is that the garage looks as big as the house. She asked about the plans for the garage. Mr. Fredette said, it is a two car garage. He explained that the stairway is housed within the building. They walk down a protected stairway. Mrs. Wright asked, it will be just a slab? Mr. Fredette said, that’s correct. Mrs. Wright asked, one story? Mr. Fredette said he believes there is a room above. There is a second floor to be used by the Sullivans. He explained that the storage will no longer be on the lower level. Chairman Campbell asked, on our profiles, what we see as the storage slab, won’t be there? It will be level to where cars will park except for where the stairway is? Mr. Fredette said, that’s correct.
Mr. Smith said, our prints show that you have 172.9 square feet. Is that just a slab, it is not space to be used under the garage? Mr. Fredette said, the 172.9 is the elevation, it is not an area. The Sullivans said they will forego that lower level. Chairman Campbell said, that will be filled in ground level. So the storage will be above the garage rather than below it? Mr. Fredette said, that’s correct.

Mrs. Wright asked, there will be no plumbing or living? Mr. Fredette said no. He showed where the plumbing is in the other building.

Mr. Smith mentioned that on his prints, the septic tank says PS going to the garage. What does that mean? Mr. Fredette said, there is a force main around the garage. Mr. Smith asked, there will be no water or sewage in the garage? Mr. Fredette said no.

Mike Sullivan, 11 Cove Road, said that the original plan was to have a bathroom downstairs and an office upstairs, and storage above. That is still the plan, not living space but an office.

Mr. Smith asked, has the Fire Department looked at this? Mr. Moldoff said he hasn’t received comments from the Fire Department. He can ask them. Mr. Smith said, going through the neighborhood, he didn’t see anyone that had a detached garage with a second floor. Mr. Hatch thinks most were attached. Mr. Smith said, if we approve this in its entirety, he may put a stipulation that there be no plumbing in the garage at all. Someone down the road can say it is an apartment. Mr. Hatch mentioned the garden hose, some type of water. Chairman Campbell said, we could stipulate no septic.

Mr. Fredette said he didn’t realize there would be plumbing, but the intent is to have an office on the second floor and a bathroom up there. That is what their preference is.

There was discussion of the office and garage.

Mr. Hatch asked, there are no plans to put in an overhead walkway from the garage to the house? The applicant said no.

Chairman Campbell asked if there were any abutters to speak either in favor or opposition. There were none. He then closed petition # 3.

Mrs. Wright said she would rather see the house be taller and have the office in the house rather than in the garage. Chairman Campbell said there is a limit on how high the house can go. It does improve the existing conditions. We like to see new septic systems going in around the lake. It will push out the side setbacks a foot or two, which matters in this area where the lots are so small. He appreciates their comments about unaltered area and not being able to push the house further from the lake. He is a little uncomfortable with plumbing in the garage.

Mr. Smith mentioned altering the terrain. They will do that with the garage. Whether you push the house back or not, you are still altering the terrain. Chairman Campbell mentioned the
un altered area that is protected by the State. Mr. Smith said he has the same concern about plumbing in the garage.

There was discussion of the garage.

Mr. Hatch said he doesn’t want to not approve because of what might happen. Mr. Smith said, but we’ll approve it with a bathroom. Mr. Hatch said, we are approving the garage. Whether they want to put a bathroom in is up to the Building Department. We can stipulate no bathroom, but they could have come in here with a plan that just showed a box with a garage and say, at this time, there is no plumbing. Then we give the variance and then they can go to the Building Department and ask for a bathroom.

There was more discussion of this issue.

Mr. Smith asked, if they are not going to have something below the garage slab, where do the stairs go? Mr. Hatch explained how he reads it.

MOTION by Mr. Hatch to grant with the following stipulations – 1.) They have to work with the town engineer for the runoff issues to include any building or drainage from the street; 2) He would like Ross to get with the Fire Department and get their approval on if they can fight a fire in the front building. How does the garage and the home affect it? If they can fight a fire then go for it. As long as they sign off on it.

Chairman Campbell added two stipulations – that the shoreland permit be obtained, approved, and placed on record; and also that the septic approval be obtained, approved and placed on record.

Mr. Hatch agreed to amend the motion to add those two stipulations.

SECOND by Mr. Perry.

<table>
<thead>
<tr>
<th>Mr. Hatch</th>
<th>In favor</th>
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<tbody>
<tr>
<td>Mr. Smith</td>
<td>Opposed</td>
</tr>
<tr>
<td>Mrs. Wright</td>
<td>In favor</td>
</tr>
<tr>
<td>Mr. Perry</td>
<td>In favor</td>
</tr>
<tr>
<td>Chairman Campbell</td>
<td>In favor</td>
</tr>
</tbody>
</table>

VOTE: 4 – 1 MOTION PASSES. PETITION # 3 GRANTED WITH STIPULATIONS.

Chairman Campbell asked about Brentwood. Mr. Moldoff said he believes that is at the end of January. He will send you the date.

Mr. Hatch reminded everyone that March elections are coming up. The sign up period to sign up for the boards is at the end of this month. He is not planning on running for another term on this board. He will concentrate on the Planning Board.

Chairman Campbell thanked Mr. Hatch for his service and wished him good luck. We have enjoyed having you on this board.
DRAFT

1 MOTION TO ADJOURN: by Mr. Hatch. Second by Mrs. Wright.
2 MEMBERS IN FAVOR: All were in favor.
3
4 The meeting adjourned at 8:43 p.m.
5
6 Minutes by: Susan Strugnell
7 Approved: Zoning Board of Adjustment
8 Date: