A meeting of the Zoning Board of Adjustment was held on December 3, 2019 in the Knightly Meeting Room of the Municipal Office Building, Geremonty Drive, Salem, NH.

PRESENT: Bernard Campbell, Chair; Bonnie Wright, Vice-Chair; Jeff Hatch; Claire Karibian, Alternate; Kellie Annicelli, Alternate; and Ross Moldoff, Planning Director.

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. November 5, 2019 – Regular Meeting

MOTION by Mr. Hatch to accept the minutes of the November 5, 2019 meeting as printed.

SECOND by Mrs. Wright.

VOTE ON MOTION: 4 – 0 – 1 (Ms. Annicelli abstained.)

PETITION # 1 – Map 37, Lot 4619

Tim Warnick & Yvette Courtemanche hereby request a Variance from Article 490, Sections 804 and 202, and ask that said terms of the Zoning Ordinance be waived to permit construction of a replacement dwelling located 5.25 ft to the high water mark and a deck located 7.1 ft. to the high water mark, where 50 ft. is required, 10.8 ft. & 13.7 ft to the side lot lines, where 15 ft. is required, 24.5 ft. to the front lot line, where 30 ft. is required, and the construction of a new septic system leachfield located 53.8 ft. from the high water mark of Shadow Lake, where 75 ft. is required, and a septic tank located 48.7 ft. to the high water mark, where 50 ft. is required in the Recreational District.

Property Location: 79 Shadow Lake Road

Abutters: Varieur was present.

Tim Ferwerda, 43 Bartlett Hill Road, Deering NH, said this is 79 Shadow Lake Road. It is an existing structure on an existing lot that is .1 acre in size. We are tearing down the existing house and rebuilding it in the same location and it will be above the flood elevation. That is one of the main reasons they want to do this. We will put in a new septic system. We will have to get a shoreland permit from the State once the variance is granted. He then read through the criteria.
DRAFT

PUBLIC INTEREST: The variance will allow the existing structure to be rebuilt in nearly the same location as the house exists now, will be elevated above the flood elevation and will have a state approved septic system. The house will fit with the surrounding neighborhood and will not be contrary to public interest.

SPIRIT OF ORDINANCE: Due to the small size of the property and the location of the existing structure and septic system, the proposed location for the house and septic system are the only feasible locations where the house and septic system can be rebuilt and maintain environmental integrity.

SUBSTANTIAL JUSTICE: Substantial justice is done by allowing the structure to be rebuilt in nearly the same location but will be elevated above the flood elevation and will have a state approved septic system.

DIMINUTION: The value of the surrounding properties will not be diminished as the proposed house will be new construction, will be above the flood elevation and have a new septic system. This should raise the value of the subject property and the neighborhood.

HARDSHIP:

Special Conditions: This is a small existing lot of record with lake frontage. The required setback distances can not possibly be achieved at any location on the lot.

B. This is a small lot of record and when it was created it did not have the benefit of being made large enough to accommodate the current zoning ordinance. The required setback distances of 40 feet between the house and the lake and 75 feet between the septic system and the lake can not possibly be obtained at any location on the property therefore a variance is necessary to reasonably use the property.

Mr. Ferwerda said, the new house will be basically the same location as the existing house. The proposed deck that is shown, is a second story deck but is entirely above a stone patio below it.

Chairman Campbell said, we have a note from the Chief Engineer, that a shoreline permit is required. Has the septic design been approved? Mr. Ferwerda said no. It can’t be approved until we get a variance.

Ms. Karibian asked, this will be a 2 bedroom home? Mr. Ferwerda said that’s correct. Ms. Karibian asked, are you required to put in a sprinkler system? Mr. Ferwerda said he doesn’t know. He thinks that is a Salem ordinance. Mr. Moldoff said he doesn’t think so, not on a single family home, unless there are unusual circumstances.

Ms. Karibian asked, in the sewer, you have that the kitchen will not have a disposal of any kind? Mr. Ferwerda said, the system was not designed for a garbage disposal.
Mr. Hatch mentioned the current dwelling. Is it year round or recreational? Mr. Ferwerda said, it is year round. Mr. Hatch asked, what is the matter with the dwelling, that it needs to be rebuilt? Mr. Ferwerda explained that the house is below the flood elevation. So the idea is to get it above the flood elevation so that it won’t flood again. Mr. Hatch asked, will the stone patio be replaced, or is it staying? Mr. Ferwerda said he believes that the deck is staying.

Chairman Campbell asked if there were any abutters to speak either in favor or opposition to the petition.

Melody Varieur, 81 Shadow Lake Road, wants to make sure that this won’t affect our property in any way, except for some noise next door. She just wants to confirm that.

Chairman Campbell said, if he is reading the plans correctly, it doesn’t look like anything will change from your perspective except for some construction, noise, and a different house. Ms. Varieur said, she has no objection. Mr. Ferwerda said, the only thing is, as part of the shoreland permit process, we have to do a stormwater management plan. So there are proposed rain gardens that will absorb runoff.

Chairman Campbell then closed petition # 1.

MOTION by Mr. Hatch to grant.

Mr. Hatch said that the petitioner has met the criteria and this will improve the lot. It will take one that consistently floods and damages the home. By replacing it, it will save the people money in reconstruction costs. And if it stays the way it is, it could cause health issues. Also, he likes that the plan will take a septic system that we are not sure how old it is, and replace it with a state of the art system that is designed for that lot.

Mr. Hatch added the following stipulations: They have to get a shoreland permit and work with the town engineer for the roof and driveway runoff infiltration system.

SECOND by Mrs. Wright.

Mr. Moldoff mentioned the septic permit too. He asked to include that.

Chairman Campbell added the stipulation of septic permit obtained. The stipulations are: shoreland permit; meet the requirements of the Engineering Department with regard to roof and driveway runoff; and septic permit.

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<td>Ms. Annicelli</td>
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VOTE: 5 – 0 MOTION PASSES. PETITION # 1 GRANTED WITH STIPULATIONS.
Chairman Campbell said, we received correspondence with regards to the Glueth property on South Shore Road. That is available for the board’s review. If there are any questions, you can ask Mr. Moldoff.

Mr. Moldoff said, this is the last meeting of the year. He thanked the board for their service.

Chairman Campbell wished everyone a safe and happy holiday season, and we wish you all the best in the new year.

**MOTION TO ADJOURN:** by Mr. Hatch. Second by Mrs. Wright.  
**MEMBERS IN FAVOR:** All were in favor.

The meeting adjourned at 7:16 p.m.

**Minutes by:** Susan Strugnell  
**Approved:** Zoning Board of Adjustment  
**Date:**