

**PUBLIC HEARING AND BUSINESS MEETING  
DRAFT 3/4/08**

**Call to Order - 7:00 PM:** Chairman McDermott called the meeting to order at 7:08 p.m.

**Roll Call:** R. McDermott, Chairman; C. Leto, Vice Chairman; A. Dittami, P. Young, Members; P. Robart, Alternate Member; L. A. Ruest, Administrative Assistant; K. Kelley, Building Inspector/Code Enforcement Officer  
Not Present: S. Volpone, Jr., Member; T. Parker, Alternate Member

**C. Public Hearings:**

1. **Case # 07-09:** Application from **Lawrence and Frances Rice** requesting a Variance to the terms of Article III, Section 8.4.1, and asks that said terms be waived to permit a farmers porch within the 100 foot wetland setback in Zone A on property located at 40 Old Stage Road (Map 5, Lot 50)

Lawrence Rice and Attorney Peter Saari were present. C. Leto stepped down from this hearing. P. Robart was designated a voting member.

This hearing is continued from last meeting. Four voting members were present. P. Saari presented the application noting that the property is located above the Taylor River and that there is approximately 15' of banking to the top of the water. He stated that he felt this is not a typical wetland as there is a clear cut-off at the banking and further that he doesn't believe there is any wetland between the house and streambed. He acknowledged that the town regulation is more stringent than the State definition as it includes rivers and streams in its definition and that it also has definitions of what can and cannot be placed within a wetland. He reviewed the five criteria for granting a variance as presented in the application.

The applicant wishes to add an 8' by 40' farmer's porch to the front of the home set on 12" Sonatubes replacing a set of brick stairs. The overhanging roof of the porch will allow protection to the structure from drainage problems and rot. P. Saari stated that the impact to the area is water running off the 8' more of the roof of the porch and that he feels there is no contamination, pollution, adverse affect to animals or activity damaging the river. Care will be taken in digging the holes. L. Rice explained the work done to replace the sill and rim joists and door fixtures that have rotted. He stated that the porch roof would take the rain water away from the front door area. It is planned to add stairs at the driveway end of the porch not the river end. Photographs were reviewed by the Board.

R. McDermott inquired as to alternative building options (roof overhang, smaller entry way, use of ice and water shield product) to address the problem and minimize impact. L. Rice stated that he has removed a concrete pad, blocks and bricks. Placing a small pad for a smaller covered area would be more impact than the Sonatubes. He added that the "doghouse" look is not pleasing to the eye and that he and his wife would like to sit and enjoy the view of the river. P. Robart noted that there is no question that the applicant could use gutters and/or dry wells and questioned whether the porch could be constructed in such a way as to reduce run-off. R. McDermott

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acknowledged problems that arise from inclement weather with regard to roofs, but also acknowledged that all homes have problems.

A. Dittami suggested looking at the conditions in this matter. A review of RSA 483-B:11 Nonconforming Structures took place at this time. It was noted that the home is 25' from the edge of the banking and was constructed in 1978. No plans were available identifying the 50' reference mark to high water.

A. Dittami noted special conditions of this property as being 50' away from the water, sloping, and water within the property line, view, and snow and drainage problems tearing off gutters and causing rot. The farmer's porch is prohibited by local ordinance. He indicated that there is no other use for the slope other than sledding and that a deck would level an area for use; a deck being less intrusive than a patio. He added that he felt there would be no change in quality to the Town, no affect on wetlands with regard to flood protection, no contribution to surface or groundwater pollution and no unnecessary expense to the Town. It also doesn't appear this request is contrary to the purposes of the bylaws and there has been no evidence presented to speak to harm or taking away from soil.

R. McDermott acknowledged a letter from the Conservation Commission dated December 20, 2007, outlining concerns and questions. Discussion was opened to the public. No abutters were present. No comments or questions were heard. R. McDermott closed the public hearing.

**MOTION:** To grant a variance to the terms of Article III, Section 8.4.1, to permit the construction of an 8' x 40' farmers porch set on four to six 12" Sonatubes placed four feet deep within the 100 foot wetland setback in Zone A on property located at 40 Old Stage Road (Map 5, Lot 50)

**MOTION: P. ROBART  
SECOND: P. YOUNG**

P. Robart spoke to the five criteria for granting a variance as follows:

1. It is not evident that a porch that will enhance the structure will cause property values to be suffered.
2. In looking at the purpose of the District, based on the criteria set forth, it is not believed that the public interest will be harmed.
3. 1) The property is special in terms of the area the applicant has to work with. There are unique circumstances surrounding the property. Given this fact, it is felt the applicant should be allowed the use of a farmer's porch. 2) The proposal is for only the front of this house. Placing the porch at the rear serves no purpose. This will allow the owners to enjoy their property at a higher level than now.
4. Given the fact that the house was built prior to the Wetlands Conservation District ordinance, the applicant was under the assumption he could place a porch some day. No harm is seen to the wetland district.

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5. Same as #2 above; purpose of Wetlands Conservation District.

P. Young, A. Dittami and R. McDermott agreed with the above.

**VOTE: UNANIMOUS**

C. Leto resumed his seat on the Board.

**D. Review Of Minutes Of The Previous Meeting: July 26, 2007 & January 24, 2008**

The minutes of the July 26, 2007, meeting will remain draft as members are no longer available to address them.

**MOTION:** To approve the minutes of the January 24, 2008, meeting as written.

**MOTION: C. LETO  
SECOND: A. DITTAMI  
4 IN FAVOR, 1 ABSTENTION, PASSES**

**E. Other Business**

R. McDermott informed Board members of the appointment of Thomas Parker as Alternate Member. T. Parker was unable to attend this meeting due to a previous commitment.

**F. Comments or Questions from the Floor**

No comments or questions were heard at this time.

**G. Adjournment**

**MOTION:** To adjourn the meeting at 8:10 p.m.

**MOTION: P. YOUNG  
SECOND: P. ROBART  
UNANIMOUS**