

**Town of Bartlett
Zoning Board of Adjustment
Public Hearing – August 31, 2015**

Members present: Chairman Richard Plusch; Peter Pelletier; Julia King; Helen Crowell; David Shedd; Alternate Norman Head. **Members absent:** None

Also present were Peter Attenborough; Richard Goff, Jr.; Richard Goff, III; Joelle Goff, and one other person whose signature was illegible.

Public Hearing - File 2015-01:

Applicant:	AJ White Family Trust (Peter and Diane Attenborough)
Location:	12 Old Towle Road, Intervale, NH
Bartlett Tax Map:	Tax Map 1TOWNH, Lot 138R3R
Purpose:	A variance or special exception to allow the addition of a deck to an existing grandfathered residence which does not meet front setback requirements.

Zoning Ordinance Section: Article X, Section B-2 or Article XI, Section F.

The meeting was chaired by Peter Pelletier, who called the meeting to order at 7:30 pm by announcing the case number, name of applicant, and purpose of the application. He advised the meeting notice for these applications was published in the Conway Daily Sun on August 21 and 29, 2015 and publicly noticed at the Bartlett, Glen, and Intervale post offices, as well as the Bartlett town hall.

1. Public Hearing: AJ White Family Trust: Mr. Peter Attenborough presented and advised that he and his wife would like to put a deck on the front of their existing camp on Old Towle Road. Mr. Attenborough said there were two sliding screened doors on the front of the house which were not able to be used as an egress because they were four-feet off the ground level. He said a deck outside these doors would improve safety by providing a second egress. He explained that a building permit was denied by the selectmen because the proposed deck would be less than 60-ft. from the centerline of Old Towle Road. The camp is an existing, non-conforming structure, and Mr. Attenborough said there was not one corner of it that was more than 50-ft. from the centerline of the road. He acknowledged he could not make the building more non-conforming, which is why he was asking for a variance to waive the 60-ft. setback requirement. The applicant has requested either a special exception or a variance, but the board agreed a special exception wasn't applicable in this case. Mr. Attenborough provided photos of the camp which showed where the deck would go and how it would wrap around one corner of the building. He said there were no other good alternatives for placement of the deck, due to the interior layout and there being no doors on any other side of the building. He said he was not changing the use of the property; the deck would not be an eyesore; it would not affect abutters as it would not be visible to any of them; and it would greatly improve his family's safety by providing a way out of the camp that did not require a long jump onto the ground.

Helen Crowell asked Mr. Attenborough if his road was privately maintained. He replied in the affirmative. Julia King asked if he had received any objection from abutters, and he again said no. Richard Plusch said he had visited the site and measured the distance from the deck post to the centerline of the road and found it to be 26-ft. David Shedd noted there were other setback issues in that there was an old trailer on the property in close proximity to the camp. He cited the ordinance which said no structure shall be located less than 25-ft. from another structure. Richard Plusch wondered whether this area qualified for the 40-ft. front setbacks required for internal roads in developments. He felt it was worth researching since he felt that the actual access road to all the camps was Town Hall Road.

The board discussed several suggestions with Mr. Attenborough as ways to resolve his setback issues. These included joining the two buildings together, replacing the sliders with windows, building a short, balcony-type deck, or constructing a straight deck that did not wrap around the side. Mr. Attenborough said he would need

to discuss the board's comments with his wife. He further added that the deck could not be pushed-out too far due to the location of the septic system. He said the system was installed long before 1970, and before it was necessary to submit septic system plans for approval, and he wasn't sure of its exact location. Norman Head provided Mr. Attenborough with contact information for a person in Lancaster, NH who excelled in locating and assessing old septic systems. At this point, Peter Pelletier suggested this public hearing be continued to a later date to allow the applicant to decide what he wanted to do, and to allow the board time to do extra research. A motion was made by Richard Plusch; seconded by Helen Crowell to continue the hearing to Tuesday, October 6, 2015 at 7:30 pm. Vote: All in favor.

Public Hearing - File 2015-02:

Applicant:	Richard Goff, dba Glen Ellis Family Campground
Location:	Glen Ellis Campground Road, Glen, NH
Bartlett Tax Map:	Tax Map 2RT302, Lot 37L01
Purpose:	A variance to allow the construction of a metal storage building which does not meet commercial sideline setbacks.

Zoning Ordinance Section: Article XI, Section A-1.

Richard Goff and his son, Richie Goff, presented. They said they would like to build a metal storage shed to store the campground maintenance equipment in. This would keep the equipment secure, and would enhance the aesthetics of the campground by having the equipment out of sight. Richard Goff said the campground consisted of approximately 80 acres, two of which were not located in the floodplain and this was the area he was proposing to locate the shed. Mr. Goff said when he originally submitted his building application he was told by the selectmen's office that the setback was only 15-ft., but it was later determined that this figure was given in error as it applied to residential setbacks and not commercial ones, which were 50-ft. Mr. Goff said he may not have proceeded with the project had he known that up-front, but since he has put a lot of effort into it he decided to seek a variance to be able to proceed. He advised the building would be tastefully built to complement the rest of the campground buildings, and would be dark green, camouflaged, and surrounded by trees so as to be barely visible to the general public. Mr. Goff said if the shed was built to comply with the 50-ft. setback it would end-up being too close to the roadway and would be seen by incoming traffic.

Mr. Goff provided a letter from George Howard, his abutter whose boundary was being affected. Mr. Howard said he was writing in unrestricted support of the variance as placement of the planned building would have absolutely no adverse impact on his property, and he wholeheartedly endorsed the proposal. Mr. Goff also provided a letter from White Mountain Survey Co. which indicated the location of the shed would be approximately two-foot above the floodplain level and 1,200-ft. from the Ellis River. Mr. Goff said the area did not flood during TS Irene. David Shedd made Mr. Goff aware that the state would also need to be involved in regard to shoreline protection issues. Mr. Goff said he had already submitted two applications with the state. Julia King questioned whether a reduced setback would have an adverse impact on the future sale or development of the Howard property. Mr. Goff explained that while Mr. Howard had a ROW over his property to access the field for haying purposes, there was another access further up the road.

The acting Chairman asked if the board had any further questions then opened the hearing for public comment. When none were forthcoming, the public comment period was closed and the board deliberated and voted as follows on the five conditions which must be met before a variance can be granted. Richard Plusch recused himself from the voting since he was an abutter to the project, and Alternate Norman Head sat in.

- a) Granting the variance will not be contrary to the public interest. Vote: 5 agree (unanimous).
- b) Owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship. Vote: 5 agree (unanimous).
- c) The spirit of the ordinance is observed. Vote: 5 agree (unanimous).

- d) Granting the variance would do substantial justice. Vote: 5 agree (unanimous).
- e) The value of surrounding properties will not be diminished. Vote: 5 agree (unanimous).

Based on the above vote, a motion was made by Julia King; seconded by Helen Crowell, to grant a variance to Glen Ellis Family Campground to reduce the 50-ft. side setback requirements by thirty feet, so as to allow a metal storage shed to be constructed twenty-feet from the side boundary of the George Howard property.
Vote: All in favor.

The minutes of the July 18, 2015 meeting were reviewed. Motion to approve the minutes, as written, was made by Norman Head; seconded by Helen Crowell. Vote: 4-0-1, with Peter Pelletier abstaining because he was not present at the meeting.

With no further business, a motion to adjourn was made by David Shedd; seconded by Peter Pelletier. Vote: All in favor. Meeting was adjourned at 8:33 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary