

ZONING BOARD OF ADJUSTMENT

SEPTEMBER 1, 2020

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes until approved by the Board.

This meeting was recorded for minute taking purposes.

Zoning Board members present via ZOOM: Susan Chiarella, Chair;
Zoning Board members present in the meeting room: Justin Hastings, Bryan O'Day, Cody Patten and Alternate, Tanner Jacques. Absent: Peter Abair

Others present via ZOOM: Zoning Coordinator; Whit Smith, Select Board members; Dick Hendl, and Tamara Butcher, Conservation Commission Members; Dan Saulnier, and Marla Binzel, Town Attorney; Christine Fillmore, Sue-Ann Kazenas, Attorney for Kazenas; Sheridan Brown, Wayne Smith, Gene Hayes, Theresa Quinn, Maura and Keith O'Neill, and representative for Dell and Wendy Rice; Bruce Fillmore,

Others present in the meeting room: Selectman George McCusker, Dan and Angela MacCreighton, Dell and Wendy Rice with the representative Gary Lebrrie, and Frank Orne.

The meeting was called to order at 7:00 p.m. Susan stated people wishing to speak need to be recognized by the Chair, stating their full name, address and their interest in the case.

Susan announced Alternate, Tanner Jacques would be filling in for Peter Abair as a member of the Board. Board members identified themselves.

Susan announced a meeting, not a hearing, to discuss a Motion to rehear an application from Sue-Ann and Audrius Kazenas. She noted the board needs to determine if there was enough new information in the previous application to open this up again. She reported discussion about this matter have led the Board to consider there might be enough new information to consider granting a motion for rehearing.

Tanner stated the Board has discussed this the past two meeting. He feels that there is enough new information that the Board should at least hear the application. He wants to know what the sound monitoring would bring, what it would deter, what exactly that is. The recent application is clearly different from the one in 2015. He feels it is substantially different enough and he thinks the Board should hear it. Justin stated he is curious about the sound. If there is a sticking point, that might be enough to say there is a difference. It is hard to define a difference from reading the application, but there may be enough that has changed and the Board may want to rehear the case. Cody agreed it would be a good idea to rehear it. Bryan agreed. Bryan made a motion to rehear Sue-Ann and Audrius Kazena's application for a Special Exception. Motion seconded by Tanner. Roll call vote: Tanner, Justin, Cody, Bryan, and Susan voted Aye. A hearing will be noticed and go on the docket for October 6th Zoning Meeting.

Minutes of August 4, 2020: Bryan moved to approve the minutes as written, seconded by Justin. Roll call: Tanner, Justin, Cody, and Bryan voted Aye. Susan abstained as she had recused herself and did not participate.

The Hearing for Daniel and Angela MacCreighton was opened, regarding a request for a Variance pursuant to Article III, Section 3.13 (B) of the Springfield Zoning Ordinance. Applicant is seeking five (5) feet of relief from the 35' setback to Old Grafton Road to build an addition on an existing non-conforming garage. Upon finding that the application is complete, a public hearing on the merits of the proposal will immediately follow application acceptance. Property is located at 99 Old Grafton Road in a Rural Residential Zone. Tax Map # 35 Lot 177-456.

Notice was given in the Valley News, posted in two public places (Post Office and Town Office) and on the Town Website. Abutters were notified.

Having reviewed the application, Justin moved to accept the application as presented, seconded by Bryan. Roll call vote: Tanner, Justin, Cody, Bryan, and Susan all voted yes.

Dan reported he wants to put a 28' x 40' addition on the existing garage which is within 31' of Old Grafton Road. They cannot go further behind the existing garage due to the right-of-way for NH Electric Coop. The upstairs will be storage, no apartment, no running water, no septic. The front of the new addition will be kept the same as the existing garage. The existing house is 29' to the road, and the garage is 31' at its closest point. There will be no driveway change other to widen it out in front of the garage to the road. Justin stated he knows the property and it makes sense what they are proposing there. Anywhere else on the property is almost inhabitable for a structure, and it appears they cannot go back because of the power lines. They are not getting any closer to the road than what exists. Tanner stated a big point is the fact that it is not encroaching any further toward the road. Their building is in a straight-line and goes back away from the road. The electric line behind makes it more difficult to build. Susan stated there is no way to push it back into the easement area. Justin stated the road is not a heavily travelled road. Bryan does not have a problem with it at all. There were no abutters present. The applicant is seeking 4 feet of relief as they are going to continue in line with the building that is there. They will be no closer than 31 feet to the road.

A motion was made by Susan to grant a Variance to Angela and Daniel MacCreighton to construct a garage addition no closer to the road than the existing garage structure, consistent with the plans presented at the hearing this evening. Justin seconded the motion. Roll call vote: Tanner, Justin, Cody, Bryan, Susan all voted Aye. Variance granted.

Continued Special Exception Hearing for Wendy & Dell Rice to construct a home on Main Street next to the town beach. The hearing opened at 7:25 p.m. All Board members have received at least a set of the 11 x 17 plans some got the large plans as well. Susan read, for the record, two letters received which might be helpful to the board in considering questions to ask or deciding on this. The first one was from Marla Binzel, Chair of the Conservation Commission and one from Barbara Cooper, a resident on Lake Kroleemook. Mrs. Coopers letter did not identify she was writing it on behalf of the Lake Kroleemook Association, but it is addressed to the Zoning Board.(Letters Attached). There is also a letter from abutter, Frank Orne, received in the office in July. Janet read the letter. (Attached).

Susan asked people in attendance to announce who they are. Bruce Fillmore is the designer that drew the house plans. He also is a septic designer and installer and serves on the Planning

Board in Weare. Gary Labrie is the contractor/builder. Maura O'Neill is a Springfield resident on Cemetery Road, and a friend of the Rice's. Theresa Quinn is the newly elected President of the Kolelemook Lake Protective Association, a 20-year resident and lives on the corner of Homan and Bowman Road. Marla Binzel is Chair of the Conservation Commission.

Dell Rice asked to respond to one of the letters. He reported since they bought the property, they removed a dilapidated summer home which was poorly built. They removed a defective septic system. They have done mitigation twice to prevent water pollution. He stated he has been trained in mitigation, attended classes, and has licenses and certifications. He does not think there is any chance he would damage a lake at all. As far as values, he expects there to be about 400 to 500K of buildings on that property so he does not think it will be detrimental to property values.

Justin questioned the Conservation Commission's reference to the use of a snow fence and not a silt fence. Marla stated the use of a snow fence is to have a physical barrier to clearly delineate a line not to be crossed during construction by construction vehicles. An orange snow fence or construction fence makes a definitive barrier and not just an imaginary line to be pointed out.

Gary Labrie noted he uses fencing a lot of the time. Tanner asked if the builder was concerned with the tight quarters. Gary stated he has done many projects with tight quarters and with the silt fence and respectful contractors he hires there are no issues. They want to protect the lake as much as possible.

Susan asked if it would be possible to have the garage moved in front of the house for less disturbance to the area. Gary noted the septic is in the driveway so that could not be done. Tanner asked if the garage and tanks were switched would the garage be able to be moved and would that be viable given the lot. It was noted the same amount of ground would be disturbed switching the two. Susan stated she understands it disturbs the same amount of area, but it may not create as much perception of building on the lot if one structure were presented. Susan stated she has looked at other projects, and for example some on Lake Sunapee with narrow lots noticed small lots where construction is limited and in a more vertical manner.

Gary stated the well is in and the septic is required to be 75' from the well. Redesign would not work due to encroachment on the well. Dell stated the well was located where it is due to the consideration of a septic system.

Justin asked Marla based on her letter, asked if basement water intrusion is unable to be prevented using other methods, other than a frost wall with a slab on grade as suggested. Dan Saulnier just joined in. Dan stated rather than having a full basement which requires a lot of excavation, and worrying about water coming in, a frost wall would take the building down below freezing so the building will not heave with freeze and thawing. Rather than have the whole thing as a giant hole with a basement and worry about ground water coming in, a frost wall would be around the perimeter, a concrete slab would be at ground level and then build up from there. Susan asked how it mitigates harm to the lake. Dan stated he put it out there as an alternative because it does mitigate the problem of an open foundation drain which extracts ground water from the area and then just dumps it into the lake. Bruce stated the site slopes from

the front to the back of the house 5' to 6' currently. The house plan is for a walk-out basement at grade. With the slope and the house being set into the grade it is not into a hole. It still requires a drain due to the seasonal high-water table. The lake side floor will be at the ground level. There will be a plunge pool, or a hole filled with crushed stone for the water to collect and then the water has area to disburse into the ground without an open hole. The idea is to prevent the water from rapidly discharging so it seeps out instead of flowing freely as it would out of an open pipe.

Susan asked if the tanks were in already for the septic. Bruce stated the tanks are not in and because of the location of the tanks and leach field, the septic will not be done until the very end, so no heavy equipment runs over it. Once it is built, regular vehicles can cross it. The septic is a Clean Solutions system. This is a pre-treatment system, with one big three-compartment tank with pre-treatment equipment in it. "Theoretically, the water coming from that tank is potable". The state allows the size of the leach field be downsized because there is much less chance for contamination. The water going into the leach field is already clean. The septic must be serviced annually and the state monitors to make sure it gets done. It is a much better than putting a septic tank in the ground and hoping it gets pumped out.

Susan asked if the garage were moved in front of the house, would that open the area where the garage is for the septic and tank. Bruce stated he doesn't know what the ground is like, but looking at the test pit data on the plan, that could be a possibility but he thinks they were trying to keep the garage away from the beach area and the construction away from the beach so it wasn't quite so visible. Susan stated she would like to find a way to shrink this down a little bit. She is trying to find what the percentage of coverage is. Dan Saulnier asked Bruce, what about the slab on grade up front, with a two-car garage to pull in from the front. In the back they would have a full basement to have utilities down there and not have a real deep foundation to worry about ground water intrusion. The house could be built above and behind the garage, mostly facing the lake rather than facing the street. Bruce stated that would not substantially impact the house layout. Dan said Susan's idea of getting it more compact, the entire structure would be used and there would be more yard space.

Bruce also stated that listening to the letters there seems to be some confusion on what this is. They are asking for a Special Exception not a Variance. He is not sure the distinction between the two may be recognized. The Special Exception criteria has been addressed. The shoreland permit plans show the impervious area, the house plans show the areas of the roof coverage, versus the foundation coverage. The Rice's did not want the house to be as big as what the original designer had shown on the approved DES shoreland permit. There is less area than what DES approved, including the roof and walk-out patio area. Dell stated there is 291 less square feet of impact than what the Shoreland Permit approves.

Tanner asked if there was anyone online that could speak as on behalf of the town as an abutter on the two town lots. He is interested to know how the town feels from those two lots abutting this. Tamara Butcher, Chair of the Select Board noted the concern of how close these buildings are going to be to the boundary, particularly the side that has the beach. For many months, the beach has no activity but for two or three months in the summer it can be very active with a lot of people there. She is concerned as to whether the Rice's are going to find they are being

disturbed by normal activity at the beach. She is also concerned down the road someone is going to ask for a privacy fence between the lot and the town beach. She stated that will not be happening on the town's dollar.

Dick Hendl stated he agrees with Tamara. He does not think it is fair to ask the town to erect a sound barrier between the Rice's property and beach. He knows that is speculation but is not beyond a reasonable expectation. As long as everything else is in line with what is recommended and approved, he doesn't think the town has an issue, but going forward it is not going to be in the towns best interest to assure privacy to the Rice's.

Dell Rice said they have no intention of putting up a fence. Nothing bothers them from the town beach. The only thing they had problems with is people coming over and breaking things or walking off with things, but that is not related to the town beach. They are not worried about privacy from the beach as far as a fence. Dick stated with due respect, that is probably true today, but he has found getting older things that did not bother in the past begin to bother in the present. Those are the kinds of things the town needs to guard against.

Justin noted that one of the concerns is obviously a fence. If the fence is a concern as mentioned, that could be a condition put in place that if one is ever requested or needed the cost would not be the responsibility of the town.

Susan stated she is still concerned about the amount of lot coverage this project has. The buildable area shown on the plan is next to nothing. She is going back to an aesthetic view of shrinking things down and having the garage go in front of the house. There is a lot to consider with this project and a lot of concerns from a lot of people that cannot be taken lightly. She understands this is a small non-conforming lot and the Rice's want to build on it, but she feels it is a big project for a small lot.

Dell stated he is not clear by what is meant to shrink it because this is not going to be a summer camp, this is a full-time year-round residence. In his discussions with people in the area, 2500 to 3000 sf seems to be the average. This is not an unusual request for average homes in the area. Their buildings are proposed to accommodate their needs and to provide storage for possessions they have accumulated. Tanner stated he realizes what they are looking for. It is difficult to envision two structures of that size on that lot. There are not many if any in town that would fit under that criteria by size or by acreage. Dell stated they are trying to do a quality job. He does not think the size is going to be the issue. The quality is going to be there. He has experience dealing with water and gave a list of his credentials working with water quality. Tanner stated he is not commenting on the quality of who and what is being done. His concern is what is being asked for is considerably more than anyone has asked for. The Board is trying to work through the big picture. The request is for something that is no longer buildable in Springfield. Mrs. Rice stated it is a non-conforming lot and they are trying to get the standards relaxed. Tanner stated, the Board must consider the larger picture.

Theresa Quinn stated she has not seen the plans for the home. She is concerned about the septic and the effect of the septic system on lake quality. She is concerned at the size of the septic system, and the resilience of a leach field under a driveway. She is worried about a leach field

being crushed by automobiles or heavy trucks. She would like some assurance the septic system will be properly constructed. She is also concerned about the impervious surfaces and the square footage of impervious surfaces for storm-water run-off. She would like some more clarity on those questions. Bryan stated septic systems must be approved by the State and inspected when installed, which is out of the Board's control. A plan is approved by the State of NH, and the system gets inspected once installed before gets backfilled, so the State sees that it is installed correctly. Gary stated the septic it is monitored by the State once per year. The system is not under the driveway. The septic tank is, but the leach field is not.

Susan again asked if it is possible to move the garage in front of the house and have the septic system on the other side. Bryan stated looking at the corner of the garage closest to the road, and moving the garage to where she recommends, the garage is going to almost touch the road boundary. With the size of a vehicle you would almost have to pull into the garage to get off the road. To be in the driveway you would have to be in the garage and be backing into the road. Susan said one solution to the size of the structure would be to not have a garage.

Susan asked if Whit Smith, Zoning Coordinator, had any comments. Whit stated this is a small lot with an ambitious plan for the smallest house the applicants can produce. Whit stated he is agreeing with the comments Tanner had earlier that the lot is not big enough to support the construction. In his role as the Zoning Coordinator, his job is to assist the homeowner/applicant in the process, and he thinks they have done what they could which is to produce what their objectives are. It is up to the Zoning Board to decide if that is reasonable or results in significant impact in terms of quality of life, quality of the lake, and character of the neighborhood.

Susan reiterated that Theresa raised a good question of wanting to know the square footage of all impervious surfaces and Marla's letter points that out. Marla stated she is not saying it does not meet the requirements, their emphasis was to make sure it meets the State limit. Those numbers can be determined from the information on the plan. She said the newest plans were just submitted in the last week and there was not a chance to do the calculations, nor did the Conservation Commission feel that was their responsibility. The State has set the condition of the 22%. The Commission is not saying it must be more than that. Their point was to be sure it adheres to that limit. Wendy stated it is going to be less than 22%. The house was made smaller, so it is going to be 20% now. Susan asked if the 20% includes the house, garage, drainage, driveway, and patios. Wendy stated she has calculated it and it is 20%.

Keith O'Neill, of Cemetery Road, stated listening to this application, it sounds like the criteria for a Special Exception has been met. Susan stated it is up to the Zoning Board to decide whether to grant the Special Exception based on the information presented. Susan stated this requires a lot of relief from setbacks to be figured into the decision so even though the verbiage may be satisfactory, the Board still must consider what relief to grant, if any. Keith stated it sounds like they have done everything, Special Exception criteria is met, DES approvals are done, the septic has been approved. The impervious area has been downgraded so it is less than the DES approved. As are residents of Springfield they have no issues with this.

Susan asked to hear from Justin. Justin stated he believes the job of the Zoning Board is to take the information given to them and vote on that. He does not believe it is the Board's job to move things around on the property. He feels he has the information he needs. They have done a good job of getting this on the property the way they have.

Susan stated she understands the comment about moving things around on property. If this were on Lake Sunapee the Zoning Board would be moving things around. Susan stated the Zoning Board could request the landowner to comply and make a plan that makes sense for not only the town but for the applicant. That is well within the Board's purview to do that. She is uncomfortable with asking people to move things around, or to shrink it to make it smaller, but she is uncomfortable approving a project of this nature on this lot.

Bryan stated he has no problems with the plan. The Board can choose to put stipulations on it for foundation drains or whatever, but he has no problem with it. It is a small lot, but it is a non-conforming lot. Their rights must be acknowledged in the sense this is a building lot, and they are being taxed on a building lot.

Justin stated he understands the lot is small, but he does not see that what they are asking for is out of the realm. It is a very tight lot. He is ok with the garage location since it is backed up against a lot that will never be built on. They are not going to have neighbors on that lot. Justin stated that every lot is different, and the Board treats each application individually. He does not believe this is setting a precedent. The Board discussed non-conforming lots with and without structures and reviewed non-conforming regulations of the Zoning Ordinance.

The Board agreed their questions have been answered. Tanner moved to close the public hearing and move to deliberations, seconded by Justin and unanimously approved. Susan closed the public hearing.

The Board reviewed section 11:42 of the Zoning Ordinance:

- A. The use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variant from the character or appearance of the neighborhood:*

Tanner stated this is a big question. What does the Board think of this proposed building, on this lot and whether this is going to be detrimental to what the Board sees as a town to what else is going on Kroleemook. Is this going to be detrimental, and what does the Board want to allow to be built there. The owners put a lot of time into this. This is a small lot that they are asking to put up a two-story house, with a walkout and a detached garage on. They have done everything they can, but personally he is not comfortable with that, but the rest of the Board needs to answer that. He encourages the Board to speak to that.

Susan stated she recently kayaked around the lake. She looked at the point at Woodcrest to see what had been approved by this Board or former Boards. This is a tough lot. You want people to be able to use their property, but on the other hand she looks at the point and there is a lot of building on that point and does the Board want to continue to allow that kind of development. The Board has within their rights to request the applicants adjust the plan. She has a problem with it.

Justin stated this is much better than what could have been there. He understands the proposed garage is a bit of a sticking point, but viewing it from the lake he does not believe this is going to be nearly the eyesore of some of the others, in that the tree cover by the water and hearing the contractor is not cutting anything beyond the fence it is not going to stick out as much as some of the other homes that have cleared down to the water. He does not have an issue with the look from the street. Every home on the street is going to have a different look from the street. The biggest concern is the impact on the lake in run-off and aesthetics and this one does not bother him as much as some of the others have.

Susan asked if the Board was confident in how best to consider certain conditions to mitigate run-off and any potential damage to the lake water. She is not confident in that knowledge at this point. She thinks if it is allowed, certain conditions need to be placed on it.

Justin stated every lot is different. Simply because something happens here, or someplace else, does not mean it happens the same on another lot. He has issues with comparing two parcels of land on the same body of water. With his one, the two biggest concerns of his are run-off to the lake, water quality, and the aesthetics from the lake. He believes they put everything where they could. He does not think the garage is going to be an eyesore from the lake with all the trees being left where they are. If what is marked on the plan remains for screening, he does not have a problem with it.

Cody stated he agrees with Justin in the roadside aesthetics. The applicant is doing what they can with the lot they have. He does not have an issue with anything they are trying to do.

Justin and Bryan stated the septic is as far away as they can get from the lake and it has been granted by the State. It is going to be monitored yearly from the DES. Justin stated it is a larger footprint on a little piece of land, but he does not have a problem with it.

Justin said his concern is density of structures on the property and the neighboring properties, run-off to the lake, water quality, and the aesthetics from the water. People enjoying the lake do not want to look and have a house built right on the shore.

Tanner stated it is difficult to gain a measure as to what is damaging the lake and what is not from one specific lot. There have been interested parties discussing what they are concerned about. He appreciates their comments and input to this. No matter what happens he questions how is it possible to measure or fix what is happening on one lot. How does the Board put a condition on it because liability is potentially being put on someone who is not necessarily liable?

Susan asked Tanner for clarification. Tanner stated the Board has listened to the comments and what has been read from the letters, and what is being said is they want to make sure that this one specific lot or one building project does not harm anything in the lake. His point is it is a small lake, it would be difficult to put a condition on it. Is there a baseline level and it able then to be assessed to say there was a change and it was from this property? His concern is how to help mitigate. He is not sure what to put on to say they need this and who monitors it. He is talking about some of the conditions he thinks it would be hard to monitor. He is not sure how to move forward with that.

Susan stated it is not up to the Board to make sure the conditions are adhered to because that is the role of the Select Board. Justin stated it is not the ZBA's job, but he would hate to put conditions on something without anyone being able to follow through on them. Susan stated it is up to the Select Board and the reliance is on the way government is constructed in the State of NH and that power is given to the Select Board.

Susan stated she feels like she needs more time to educate herself and look at other projects on other lakes to see what conditions other boards have put on projects of this nature, and then come back prepared to make a decision, and what conditions should be made. She does not know what to say about impervious surfaces or roof runoff. It is within the purview of the Board to request an expert come in. Justin stated there are experts in attendance. Maybe more conversation should have taken place with the experts. They are the ones that are going to have to do the construction. If a condition is put on there can not be any run-off the person looking at it is not going to be a Selectman looking after it, it is going to be the people building it or creating it.

Bryan moved to vote on the Special Exceptions with conditions. Justin asked if the Board needs to come up with conditions tonight. If the Board were to grant this tonight, do they have to come up with the conditions tonight. He does not feel he is able to articulate conditions at this point tonight. Susan agreed. Tanner moved to continue the deliberation session to Thursday, September 10th at 7:00 p.m. The motion was seconded by Justin and unanimously approved.

This meeting ended at approximately 9:15 p.m. and will be continued on September 10th.

These minutes were transcribed using a ZOOM recording.

See Appendix A, B, C & D for letters read at this meeting.

Appendix A

Rec'd 7/23/2020

Frank W. Orne Jr.
8 Fairview Road
Marblehead, A 01945

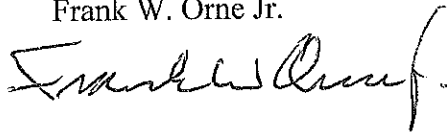
781-308-4662

May 26, 2020

Town of Springfield Zoning Board
P.O. Box 22
Springfield, NH 03284

We have lived at 2686 Main Street Springfield for 34 years with regard to the hearing June 2, 2020 I would like to say we support the project Wendy and Dell Rice are proposing and hope the board will grant them the special permit they request in a timely manner so they can proceed this summer and beat the winter conditions.
If the board has any questions for our family regarding this project please contact me.

Regards
Frank W. Orne Jr.



mayflower.orne@gmail.com

Barbara H Cooper
336 Four Corners Rd
P.O. Box 323
Springfield, NH 03284

August 4, 2020

To: Town of Springfield Zoning Board of Adjustment
Springfield, NH 03284

Subject: Comments on the Special Exception hearing to build a house and garage on a non-conforming .32 +/- acre lot at 2680 Main Street, Tax Map #23, Lot 827-493

I would like to express my concerns as a resident and homeowner of Springfield for going on 15 years. My home is on Kroleemook Lake. I have sought to educate myself about lake environments and I have learned a lot over the past 15 years. I have also seen what ugliness can happen to lake communities when improper development ruins the quality of the lake itself and the natural beauty that adds to the quality of life in the area. Property values suffer. Quality of life suffers, and once the changes are done, they can take decades to repair if indeed they can ever be restored.

I am struck by the sheer number of variances requested on the lot in question. It seems clear that this lot is too small for the project as described. As far as quality of the lake shore goes, I feel the zoning board has a duty to protect this valuable town resource. Kroleemook Lake is an important and valuable resource for this whole town and not only those who own shoreline property. You only need pass by the town beach on a hot day to see ample evidence of this. The values of all our homes is threatened by improper development. The shoreline ordinances were developed for a reason. And not just to provide a formality for a landowner to present whatever they plan to do on the land. It is not the proper role of the zoning board to grant variances that become detrimental to the quality of life of the town. They are in place to safeguard the resources of the town and ensure that actions do not improperly impact the quality of the environment.

My objective is not to prohibit all shoreline development. Rather, my objective and interest is to ensure that development be done in such a way that it does not negatively impact our lake water quality. I might add that there could also be aesthetic and safety issues to consider since the development is next to our public beach.

I would like to make these important points:

- The value of Kolelemook Lake to the Springfield community is based on the health of the lake and people's ability to use it safely
- New Hampshire lakes in general, and our Kolelemook Lake in particular, generate property taxes into our community and are important to our local and state economies, **but only if the lake remains clean and healthy**
- Small shallow lakes like Kolelemook have little capacity for absorbing polluted water runoff without a loss in water quality
- Shoreline development (within 250' of the shoreline) will negatively impact water quality **unless** all the runoff water associated with that development can be prevented from running into the lake
- Rooftops, driveways, walkways, decks, patios, and even highly manicured lawns in the shoreland area can function just like parking lots and roads – runoff from rain and melting snow runs directly into the lake
- Even if the water runoff is managed in such a way that it does not run into the lake, the removal of the trees heats up the land and buildings, increasing the temperature of the runoff water and heating the lake. Warmer lake water leads to algal and cyanobacteria blooms
- Zoning requirements exist for a reason, particularly in the shoreland area
- Development in the shoreland area should be strictly limited to that which is allowed within our town's zoning regulations

There is no shortage of references and data on the impact of development on runoff water into lakes and streams. Over 90% of the water pollution problems in New Hampshire are caused by stormwater runoff from roads, buildings and parking lots, and the homes in which we live. Every single property has the potential to contribute to water pollution. Every property owner can also be part of the solution to water pollution. I sincerely request that the zoning board consider all the potential impacts of the variances requested as you deliberate this application.

Sincerely,

Barbara H Cooper



TOWN OF SPRINGFIELD
2750 MAIN STREET, PO BOX 22
SPRINGFIELD, NEW HAMPSHIRE 03284-0022
PHONE (603)763-4805 FAX (603)763-3336
www.springfieldnh.org

CONSERVATION COMMISSION

August 30, 2020

Letter to the Springfield Zoning Board of Adjustment:

The Springfield Conservation Commission was established (RSA 36-A:2) “.....for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town”. Imminent construction within the watershed that may potentially impact the quality of our precious Lake Kroleemook places the burden on the Commission to examine the project's plans and express possible concerns.

Our interest in the Application for Zoning Permit dated March 15, 2020 and Application for a Special Exception dated May 4, 2020, both submitted by Wendy and Dell Rice is spurred on by both its proximity to the lake and sufficiently concerned residents who have requested the Commission look into the matter.

Our concerns and recommendations are based on the materials available in the original case file in the Springfield Town Office and brief perusal of the most recently submitted revisions.

- The State of New Hampshire considers the roof area of structures to be the impervious area, not the foundation area (RSA 483-B:4, VII-b). Areas used to calculate the impervious area shown are foundation areas, but do not include the proposed roof overhangs. The State of New Hampshire also considers walkways, decks, patios, and driveways to be impervious surfaces, even gravel or crushed stone driveways (RSA 483-B:4, VII-b) and these need to be added to the impervious area calculations as well. **The Conservation Commission recommends that final dimensions for all impervious areas be calculated according to state regulations and adhere to the 22% limit set by the conditions of the Shoreland Permit.**
- The Shoreland Permit requires much of the lot to be **unaltered** buffer. It seems highly unlikely that these areas will remain undisturbed while constructing a full-depth basement, drainage systems, a house, a garage, and ancillary features. If the applicants' builder is confident, they can accomplish this, orange plastic “snow fence” should be installed along the border of the undisturbed area prior to the start of construction. This fencing should remain in place until construction is complete. **The Conservation Commission recommends that the ZBA evaluate the feasibility of the proposed construction and issue conditions to ensure protection of sensitive areas.**
- With regard to a privacy fence between the applicants' lot and the town lot, if such a fence was installed on the property line, it would be disturbing the area which is “to remain unaltered” and would likely impact the vegetation around it. **The Conservation**

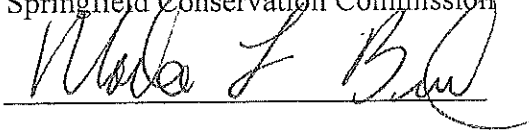
Commission recommends that serious consideration be given to what type of fence would both provide privacy and not alter the vegetation.

- The plans (4/2011) show a foundation drain discharging to a plunge pool approximately 35 feet from the lake. This is working against any efforts the applicants' designer could make to mitigate increases in impervious area. The goal of stormwater management is to allow rainfall to soak into the ground instead of becoming runoff. The goal of a foundation drain is to extract water from the ground and discharge it to the surface to become runoff. **The Conservation Commission recommends that the foundation drain be eliminated.** If the applicants' designer feels that basement water intrusion is unable to be prevented using other methods (coatings, waterstops, etc.), then frost walls with a slab on grade may be a better choice for this lot. The septic system plans on file with NH DES (approved 8/1/2019) show the seasonal high groundwater table at 26 inches below grade.

Stormwater management is essential to maintaining the water quality of Lake Kolelemook. Best practices in stormwater management have continued to evolve since the original plans were developed a decade ago. A project of this complexity, in this delicate of an area, should embrace the new methodology described in the state's three-volume Stormwater Manual¹; a great resource for residents, designers, and regulators in reducing the impacts of stormwater using low-cost methods.

We have tried to make sense of the owners' intent based on the two original sets of plans on file, and the recent revised addition. It is important that the plans being submitted for approval to the town are consistent with those that were used to obtain permits from the state. Inconsistencies create concern regarding the details of the final project in a fragile area of the town's watershed.

Respectfully submitted,
Springfield Conservation Commission



Marla L. Binzel, Chair

¹ NH Department of Environmental Services sells print versions of the Stormwater Manual, and offers PDF downloads for free at: <https://www.des.nh.gov/organization/divisions/water/stormwater/manual.htm>

ZONING BOARD SIGN IN SHEET/DATE: 9-1-2020

PRINTED NAME	ADDRESS	ABUTTER? YES/NO
Dell Rice	Weare, NH	OWNER
Wendy Rice	190 PINE HILL ROAD WEARE NH	OWNER
Gary Labrie	67 Bartlett Dr Weare NH	Contractor
George McGowen	53 Old Boston Rd Springfield	Selectman
FRANK ORNE	2686 Hain St Springfield	Yes

ZONING BOARD OF ADJUSTMENT

SEPTEMBER 10, 2020

MEMORIAL BUILDING

7:00 P.M.

**CONTINUATION OF DELIBERATIONS REGARDING THE SPECIAL EXCEPTION
REQUEST OF WENDY AND DELL RICE.**

This meeting was held at the Memorial Building and via the ZOOM platform.

Chairman, Susan Chiarella was the only board member present via zoom.

Board members present in the meeting room: Cody Patten, Justin Hastings, Tanner Jacques, and Bryan O'Day. George McCusker was also present in the meeting room.

Others listening via ZOOM: Dell and Wendy Rice, Marla Binzel, Whit Smith, Sue-Ann Kazcnas, Janet/Dick Hendl, and an unidentified phone caller.

Susan announced this is a meeting, not a hearing, to continue deliberations on the application for a Special Exception from Wendy and Dell Rice to improve and build on a non-conforming .32 acre lot, with some relief needed for the setbacks to build a garage and house. Presently the land is vacant.

Susan made note of the wetlands plans and the approval granted by DES. She opened the meeting to the Board to find out what conditions they may want or where they wanted to go with this.

Bryan suggested possibly putting some water guards around the 50' mark to slow down, stop, or mitigate water coming off the lot on either side of the house. Water guards slow down the flow of water that can have plants around it and in it but is basically a water trap. Tanner stated there is water right now going down to the lake, but the difference will be when the water is being accelerated by the surfaces to be constructed. It is being slowed down now, but about 18% of the current surface is being taken away so something needs to be done. Tanner suggested perhaps DES would come look and make sure that what is going on is what they permitted. He does not know if that can be requested and what the DES policies are about making sure that what they permit is being done correctly. Susan stated it appears in April 2011 RCS Designs submitted a plan that addresses a lot of the stormwater question and it is very complete. If the applicants are bound by the completeness of the plan, the stormwater situation may be dealt with. Susan asked the Board to take a further look at the plan. She feels it addresses many of the concerns of the Board. The Board reviewed the wetlands plans and discussed the requirements and possible conditions of approval for further stormwater management.

Susan suggested several conditions for the Board to think about.

- a. To use pervious pavers set in sand for the patio
- b. The buffer within 50' of the lake remain totally intact
- c. No lawn be permitted on the property
- d. The driveway must be pervious and not be paved

- e. The vegetative buffer that appears as proposed on the plan by Clayton, be not proposed but there must be a vegetative buffer. Justin stated the buffer is shown on the RCS plan. Tanner stated for the protection of both the lots the buffer should remain.

Bryan discussed making sure the conditions stated on the plans of RCS and Clayton Plat are followed as part of the conditional approval. Justin agreed.

Tanner stated he is having a hard time looking at the scope of this project as something the Board should be granting. He looked at the Mullins property. He did not sit on the original hearing for that. The Mullins had a larger lot with a smaller footprint of building. The Board is looking at a smaller lot with a larger building. His concern is where the trend may be going. If the Board is looking to approve the plan, he agrees with conditions, but he has a problem with what the whole project is. Susan stated it is a lot of lot coverage for a small. She is concerned this is very next to a public beach and is concerned not to grant anything to people using the beach, and property is very close to where the water leaves the lake so any sort of issue with run-off or stormwater or failing septic could wind up in the stream leaving the lake. She has stated several times she would like to see this scaled down, but has not gotten anywhere with that, so her thoughts are if this is going to move forward then make it as safe as possible. She suggested having a professional engineer come in and assure the Board that this is going to be a development that is not going to create a hazard for a public beach. Tanner stated the Rice's had both the designer and builder come in and speak to the Board. He has no reservations about the quality of the builder, or the designer or the owners. It does not matter to him who is building it. His concern is if another lot comes up and someone else wants to do something similar what does the Board consider going forward. Susan discussed the ability for the Board to require an expert to come in and look at the plans and address any concerns the Board may have.

Cody stated he does not see any issues as long as they follow the plans they have submitted.

Justin stated he had reservations about the garage, but on this site with the closeness to the main street, the lake, and the town beach the garage seemed necessary. The last thing you want is "stuff" all over the property and keeps things out of site. Bryan stated it makes sense to keep equipment inside the building. Tanner stated this is a larger detached garage. Justin stated he does not feel that every home owner on every site deserves a garage, but here it makes sense.

Susan noted the concern from the Conservation Commission of a fence to buffer the property from the beach area would disturb too much property. The Board could require there be more vegetation put there.

Tanner stated there had been discussion of a fence and there should be a statement made that it is incumbent on the landowners to pay for that, or for the addition of more buffering. That condition would run with the property no matter who owns it

Susan reviewed the conditions to this point. Items a through e above. The Board discussed others to be added.

- f. If a fence or other buffer is determined to be needed in the future, the cost of such shall be borne by the landowner.
- g. The plans presented which include the one by RCS Designs dated 4-11; and the other plan dated August 21, 2020 by Pennyroyal Hill.

Susan asked if the Board wanted to spell out the relief being sought. The Board determined the specifics are spelled out clearly on Clayton's plan.

Tanner noted the Mullins approval had been limited to a two-bedroom house. The plan submitted shows that but given the scope of the project he feels it should be limited to two bedrooms. Tanner noted his concern sometime in the future someone may try to turn the walk-out basement into a rental unit. Justin suggested the garage should also be limited so there will not be an apartment in the garage either. Justin also suggested a condition that no more out buildings or pervious structures be added to this property, this lot is full.

Justin moved to grant the Special Exception for 2680 Main Street with the following conditions.

1. The patio is at least 50' back from the lake, and be pervious pavers in sand
2. The buffer between the patio house, which is 50' from the lake remains totally intact
3. All woodland buffers on the lot are to remain intact
4. There me no lawn
5. If at some point in the future it is determined that a fence or buffer is necessary between the beach and the property, the cost of that is to be borne by the landowner
6. The driveway must remain as shown on the plan pervious, crushed stone, or other pervious material.
7. The build-out be as per the plans of RCS design dated 4-11 and the Plan submitted by Pennyroyal Hill dated August 21, 2020.
8. The house be limited to a two-bedroom house.
9. The garage must be maintained and used for storage only and may not become a residence.
10. There will be no more structures added or applied for on this property, which would create more impervious surface than what is proposed at this time.

The motion was seconded by Bryan. Roll call vote: Cody – Aye, Justin – In favor, Tanner – Nay, Bryan – Yes, Susan – Aye. The motion passed.

Susan extended thanks to Wendy and Dell for their patience. This was not an easy situation for the Board to address. The Board wishes them luck and welcome to the Town of Springfield.

Susan noted this was a constructive process and the Board did a good job on it. Justin stated he believes the Town and the applicants did due diligence on this case.

At 7:55 p.m. Justin move to adjourn the meeting, seconded by Tanner. Justin, Cody , Tanner and Bryan voted in favor. Susan had left the meeting.

These minutes were transcribed using the ZOOM recording.

Submitted by,

Janet Roberts,
Administrative Assistant

A handwritten signature in cursive script that reads "Janet Roberts". The signature is written in black ink and is positioned below the printed name and title.