

Town of Center Harbor
Conservation Commission Meeting Minutes
July 7, 2023
Cary Mead Room

Commissioners present: Maureen Criasia, Chairman
Harry Viens, Selectmen’s Representative and Voting Commissioner
Karin Karagozian
Don Carey

Commissioners absent: Mark Hildebrand (with notice)

Others present: Bernard Volz, Chairman, Zoning Board of Adjustment (ZBA)
Helen Altavesta, Administrative Assistant, Planning & Zoning

- I. Call to Order: The meeting was called to order by Chairman Criasia at 9:02 am. Introductions of those present were made by the Chair.
- II. Review and Provide to the Zoning Board of Adjustment Written Comments and/or Recommendations re: Project Plan and Details – TML 101-021 (ZBA Case # 2023 – 0622.A) in Accordance with Zoning Ordinance Section 10:7, Special Exceptions Table 2, item g. (Protective Buffers) and Section 10:7, #1:

Chairman Criasia led the discussion and ZBA Chair Volz assisted with PowerPoint slides. The ZBA Special Exception application materials, including the application and project plans (“Existing Conditions” & proposed “Zoning Application”) were provided electronically to the Commissioners in advance of the meeting and were included in the PowerPoint slides. Ms. Altavesta provided paper copies of the plans to the Commissioners, and the land use project file was readily available for reference.

A review of the pertinent Chapter 10 ordinances was conducted, including those in Section 10:6:2 (Permitted Uses in the Buffer of a Water Resource), Section 10:7 (Special Exception, Table 2, Item g. – Protected Buffers), and Section 10:7 #1. Section 10:4:2:3 referencing non-designated wetlands was discussed. The Commission and the ZBA Chairman agreed that the proposed activities as set forth in the Special Exceptions application and proposed project plan occurred within the 50’ non designated wetland buffers creating buffer encroachment and loss of wetlands buffers, and as such are not permitted activities allowed by ordinance. Therefore, these activities require a ZBA Special Exception with written comments and/or recommendations to the ZBA from the Conservation Commission as stated in Section 10:7 #1. The Commission identified the areas of buffer encroachment and loss by the primary structure and by a proposed accessory structure, i.e., “landscaping wall”.

The Commission proceeded to peruse the Special Exception application materials and project plans. The letter dated 6/22/23 from Horizons Engineering James Rines to ZBA Chair Volz notes that the existing home (33.1 feet from the lake) will be demolished and a new house will be relocated and built 84.1 feet from the lake. Both the existing primary structure and the new structure are located well within the 50' wetlands buffer but outside the wetland complexes proper. Mr. Rines states that "this redevelopment plan reduces the percent of impervious lot usage from 22.3% to 19.8%." It was noted by the Commission that the existing septic system (87' from the shoreline) will be moved to 182.5' from the shoreline and an upgraded "Clean Solution" sewage disposal system will be installed.

The Commission agrees that moving the primary structure away from the shoreline an additional 51' from its existing location is advantageous in the ways and manner reflected in the Special Exceptions application, and it acknowledges that the wetlands buffer encroachment will exist regardless if the house is relocated or remains within the existing footprint. However, the Commission also agrees that the benefits and environmental value of moving the primary structure and the septic system away from the surface water (Squam Lake) cannot be overstated.

The Commission determined that due to the disbursement of multiple non-designated wetlands on the property, and the necessity for wetland buffer encroachment and loss, an engineered stormwater management plan (as defined in Section 10:3:11) be developed as a condition of ZBA approval. The Commission discussed various stormwater management approaches and measures that may be suitable to this property. Commissioner Viens motioned that the Commission recommend to the ZBA to approve the Special Exception request with the above noted condition. The motion was seconded by Commissioner Carey and the vote was unanimous.

The Commission reflected on the positive way and manner in which the applicant's agents presented all of the materials required for a complete and comprehensive review of this project, and it was motioned and voted to include a reference to that effect in its memo to the ZBA.

Chairman Criasia will be responsible for writing and sending the memo to the ZBA (see below) immediately after the meeting so that it will be available to their Board members in time for the ZBA hearing on Monday, July 10, 2023.

III. The Commission adjourned its meeting at 10:04 am.

Respectfully submitted,

Maureen A. Criasia, Chair

TO: Center Harbor Zoning Board of Adjustment
FROM: Center Harbor Conservation Commission
RE: ZBA Case # 2023-0622.A TML 101-021 Cargile / Johnson 6 West Bay Circle,
Center Harbor
DATE: Friday, July 7, 2023

At a meeting held on 7/7/23 at the request of the ZBA Chairman in accordance with the requirements for a Special Exception per Zoning Ordinance Section 10:7, and after a review of project plans & other materials, the Conservation Commission unanimously voted to recommend to the ZBA approval of the Special Exception application filed in conjunction with the above referenced case, as proposed, with the following condition:

- Due to the existence and location of multiple non-designated wetlands on the property, and due to the necessity of wetland buffer encroachment in order to conduct & complete project related activities, an engineered storm water management plan as defined in Zoning Ordinance 10:3:11 should be developed and implemented as a condition of approval. Commissioners expressed concerns pertaining to effective redistribution and infiltration of stormwater in the face of impervious surfaces created by development within the wetlands' buffers.

It was also motioned and unanimously voted by the Conservation Commission to compliment the applicants and their principals on the processes and methods that are reflected in the project plan application.

Respectfully submitted,



Maureen A. Crisia, Chairman
Center Harbor Conservation Commission