

TOWN OF CENTER HARBOR
ZONING BOARD OF ADJUSTMENT
Meeting Minutes

Monday, December 11, 2023
7 p.m.

In attendance: Chair Bernard Volz, Vice Chair Jean Meloney, Members, George Lamprey, Karen Ponton, Stephany Marchut Lavallee, Alternate Members Gregory Hime, Timothy Nefores, Thomas Reddy and Clerk Helen Altavesta. Member Alison Toates absent with notice.

Public attendance: Wes Hayes, Alden Beauchemin of Keyland Ent., Susan Wein & Garrett Wein, Mike Perry, Claire Wilkens, John Harrington, Tiffany Spaulding, Irene Spaulding, Thomas R. Selling, Laura Curran, Patrick Curran, Randy Mattson, Lee Mattson, David Driscoll, Angela Labreque, Liz Littell, Mark Chase, Bill Ricciardi, Jim Cowels, Esq. and Sean Kavanagh.

The meeting was called to order at 7:00 p.m.

Chair Bernie Volz asked board members to introduce themselves.

Chair Volz elects to wait on the approval of the November 11, 2023 minutes until after the hearings:

PUBLIC HEARINGS

- **2023-11-20-A Variance - Tax Map: 104 Lot: 016 Owners: Garrett & Susan Wein, Trustees for the Wein Family Rev. Trust - 10 Mayo Shores Lane**
- **2023-11-20-B Special Exception - Tax Map: 104 Lot: 016 Owners: Garrett & Susan Wein, Trustees for the Wein Family Rev. Trust - 10 Mayo Shores Lane**
- **2023-0925.A Variance - Tax Map: 104 Lot: 011 Owners: Kavanagh Family Trust - 38 Brookside Lane - CONT.**
- **2023-1026 Variance - Tax Map: 104 Lot: 011 Owners: Kavanagh Family Trust - 38 Brookside Lane - CONT.**
- **2023-11-21-A Variance - Tax Map: 220 Lot: 004 Owner: Town of Center Harbor - 77 Keyser Road**
- **2023-11-21-B Special Exception - Tax Map: 220 Lot: 004 Owner: Town of Center Harbor - 77 Keyser Road**
- **2023-11-21-C Special Exception - Tax Map: 102 Lot: 042 Owners: Tyler Driscoll and Alice Field - 40 Kelsea Ave.**

2023-11-20-A Variance - Tax Map: 104 Lot: 016 Owners: Garrett & Susan Wein, Trustees for the Wein Family Rev. Trust - 10 Mayo Shores Lane

A Variance is requested from Zoning Ordinance Article 5:3:1 (setback from road), 5:11:2 (replacement of nonconforming building in a different location), and 5:11:3 (the total square footage of a building for reconstruction of a nonconforming structure within 75' of shore, encroachment in wetlands buffer, and the road).

The voting members will be all the (full) members - Bernie Volz (Chairman), Jean Meloney (Vice Chair), George Lamprey, Karen Ponton, and Stephany Marchut Lavallee.

Helen Altavesta (the clerk) announced how she received the application by hand delivery and gave notice to abutters by certified mail, Newspaper Ad, and posted public notice.

James Cowles, Esq. presented the new application for the Weins with changes from the original plans. There is a modern septic system, Stormwater plan and they will be working with the State on the culverts. They took into consideration the neighbors request not to move the road but the road will be widened slightly. The Weins took out the screened porch room, outdoor kitchen and also changed the master bathroom.

Chair Volz asked the Public if there were any comments of approval or opposition. Hearing none the board discussed the 5 Criteria to see if they are met.

Criteria 1 George Lamprey agrees it would not be contrary to the public interest; Chair agrees. No further discussion.

Criteria 2 The proposed use is not contrary to the spirit of the ordinance. The discussion of the use is for a home which is allowed in the agricultural / rural district.

Criteria 3 Granting the variance would do substantial justice. The Wein's took the board concerns into consideration and have made several changes.

Criteria 4 The proposed use would not diminish surrounding property values.

Chair Volz said it would improve the surrounding neighborhood and with a stormwater management plan it would also improve the water issue plaguing that surrounding area for a long time.

Criteria 5 The Hardship test was that this property was a very difficult lot and they have presented a reasonable plan.

Motion to grant the variance as requested with the condition that the stormwater management plan (dated 11/26/2023) is included.

George Lamprey motioned, seconded by Jean Meloney, all were in favor.

2023-11-20-B Special Exception - Tax Map: 104 Lot: 016 Owners: Garrett & Susan Wein, Trustees for the Wein Family Rev. Trust - 10 Mayo Shores Lane

A Special Exception is requested based on Zoning Ordinance, Article 10:7, Table 2, g., to permit reconstruction of home within the 50' wetland setback.

James Cowles, Esq. ran through all the criteria for the special exception and went through the application. They are putting a smaller house/Cabin which is going vertical on a smaller footprint. A shoreline permit has been approved. The House is farther away from the lake. The value of the homes is not diminished in the area and it is a nicer looking structure than the existing cabin. The 8 Special Exception criteria have been met.

Is there any discussion or opposition? Hearing none the Chair asked if someone wanted to make a motion.

Motion to grant the special exception as specified in the zoning ordinance article 10:7 Section Table 2 g.

Motioned by George Lamprey, seconded by Karen Ponton. All in favor.

The chair reminded the Weins that there is a 30-day appeal period.

2023-0925.A Variance – Tax Map: 104 Lot: 011 Owner: Kavanagh Family Trust, 38 Brookside Lane (continued from November 13)

A Variance is requested from Zoning Ordinances, Article 5:3:1, Structure Setbacks, to permit construction of a garage that is within the setback from the road and within the setback from the property line.

The voting members will be the same as the last meeting – Bernie Volz (Chairman), George Lamprey, Karen Ponton, Gregory Hime and Timothy Nefores.

The Chair handed it over to the applicant Sean Kavanagh.

Sean Kavanagh responded with he thought that the board needed more time to review the square footage. But let me recap the information. The house is on a slope and when building a foundation, it makes for it to have a basement.

The Chair asked Karen Ponton and Timothy Nefores if they wanted to ask any more questions as they were the members requesting more time.

Karen's concern was the amount of extra square footage on top of what we just approved for the garage.

Chair- It's the other variance that talks about square footage.

Chair- Tim did you want to ask questions.

Timothy Nefores- The concerns I had before I still have. The square footage you are giving us is only for the 1st floor, not the basement. You have made no changes or amendments to the discrepancies in the application.

Discussion on total square footage, living space and unheated space. The ordinance does not define total square footage.

Bill Doucette Code Enforcement Officer- The way I look at it as the building inspector is "What is considered living space?" A full foundation is not considered in the total calculation of square footage of your building. It is a necessary evil. If it is not proposed as living space when it is submitted, it's not living space and if it's not proposed as living space when it's submitted then it is not considered in the square footage. It is just daylight basement with windows.

Greg Hime- Bill you might want to comment on this but if the basement is under 6 feet, it is not considered habitable space.

Bill Doucette- Correct and it is not habitable space depending on the number of windows and lighting. That is part of the criteria. Also, if it doesn't have safe egress.

Chair Volz- But Kavanagh has the safe egress.

Bill Doucette- Correct, but he is not proposing a finished basement. If he finishes his basement then he would have to come into the town and take out a construction permit at that time. It is not the spirit of the ordinance. If someone had a flat lot, we could put a limit on the height.

Discussion on amending the ordinance for a definition of total square footage. We have asked people for total square footage in the past and what is relevant for one property is not always good for another property. The counsel mentioned to be consistent when the definition is not available. Discussion on placement of the garage because it is added square footage.

Timothy Nefores- Counsel has told us to go by history, until the town lets us know what the definition is we have to go by the application it from of us. The numbers don't seem to add up.

Sean Kavanagh- Asked if you want me to add the total square footage of the house plus the basement.

Chair Volz- We want that number to include the total square footage. If we allow it or deny it, that is a totally different issue. We need to know what we are basing our decision on.

Sean Kavanagh- As of now I'm going to store my kayaks and put some mechanicals. I'm not building up. However, you want to include the basement as square footage then I can do this.

Thomas Reddy- If the applicant added the square footage of the basement would that be actuatable.

Chair Volz- Yes that way we would be using the square footage we have been using in the past.

Karen Ponton- Can you build the garage somewhere else?

Sean Kavanagh- This was brought up last time. It is too expensive to move and this application makes the most sense for the property.

Criteria 1 Chair Volz- It would not be contrary to the public interest, as it's at the end of the road and the next-door neighbor agrees.

Criteria 2 The proposed use is not contrary to the spirit of the ordinance. George Lamprey- The use is a reasonable one.

Criteria 3 No discussion-Board agrees.

Criteria 4 Chair Volz- The proposed use would not diminish surrounding property values; a garage is pretty normal these days.

Criteria 5 The Hardship test is that this property has a lot of constraints and moving the garage would be very difficult and costly.

Motion to grant the requested variance to allow construction of the proposed 2 car garage.

Motion by Chair Bernie Volz. Second by George Lamprey Motion passed by a majority vote 3 vs. 2. Chair Volz, George Lamprey and Gregory Hime were in favor of granting variance. Karen Ponton and Timothy Nefores were opposed.

2023-1026 Variance - Tax Map: 104 Lot: 011 Owner: Kavanagh Family Trust, 38 Brookside Lane (continued from November 13)

A Variance is requested from Zoning Ordinances, Article 5:11:2 and 5:11:3, Non-Conforming Structures, to permit the removal of a non-conforming structure and replace with a new non-conforming structure that will increase living area by 14% (1320 sq ft to 1537 sq ft) and constructing an attached garage of 567 sq ft.

The Chair- We all agreed that the new structure is not more nonconforming than the existing structure. The house is moving a bit but the applicant is removing a section of the house that is close to the road. He is opening it up more from the road and the rest of the house is pretty close to the existing hose. There is a breezeway that will be attached to the garage.

Discussion on the plans.

Chair did anyone want to make a motion?

Thomas Reddy- Can I make a motion if I'm not a voting member?

Chair Volz- Yes even the applicant can make a motion.

Criteria 1 The Chair- It would not be contrary to the public interest. Gregory Hime- It would improve it because it is removing the piece of the structure to close to the road.

Criteria 2 Chair Volz- The Spirit of the ordinance would be observed. The propose use of a home is acceptable in agricultural/residential district.

Criteria 3 If the variance was granted it would not do any harm to the public.

Criteria 4 The proposed use would not diminish surrounding property values. It would enhance the neighborhood.

Criteria 5 The Hardship test was that this property was a very difficult lot and they have presented a reasonable plan. He has very limit space because of the conditions of the lot.

Motion to grant the requested variances as proposed. Motioned by Thomas Reddy second by Gregory Hime. Motion passed by a majority vote 4 vs. 1. Chair Volz, George Lamprey, Karen Ponton and Gregory Hime were in favor of granting variance. Timothy Nefores was opposed.

The Chair- The 30-Day appeal period applies.

2023-11-21-A Variance - Tax Map: 220 Lot: 004 Owner: Town of Center Harbor - 77 Keyser Road

and / or

2023-11-21-B Special Exception - Tax Map: 220 Lot: 004 Owner: Town of Center Harbor - 77 Keyser Road

Town of Center Harbor, in conjunction with the Police and Highway Departments, would like to construct a shooting range adjacent to the former (inactive) solid waste landfill.

Chair Volz- I do have questions on if it should be a Variance, Special Exception or both.

Thomas R. Selling- By the statute we need both because of the unique situation. We think to be fair to the public and to the board. After this has been fully reviewed for the criteria's and if successful, then we will go to the Planning Board for site plan approval review. The RSA stature will let the Municipality do this regardless but Town felt it would be the right thing to do for the public.

The Chair asked Thomas R. Selling to present. I do have some questions myself but I will wait until the discussion portion of this hearing. Helen will you first present the case.

Helen Altavesta- This variance and special exception for property located at 77 Keyser Rd Map and lot 220-004. The Applicant is the Town of Center Harbor; they actually do not have to go by their own ordinance but they felt it was the right thing to do. It was hand delivered to me on Nov. 21st and the applicant is requesting a shooting range for municipal purposes - not for the public. The Public notice was issued on 11/27. I have only received 3 certified cards back. I published the ad in the Laconia Sun on 11/28 and sent the abutter letters on 11/22.

For the record my name is Thomas Selling with T R Selling Engineering out of Laconia. I'm here to do a brief summary with remarks and then turn the rest of the presentation over to the Chief, Mark Chase. We are proposing a shooting range adjacent to the landfill. It is on the land fill property, Kieser Rd. It has approximately 12 Acres and it was purchased in 1949. It became a Land fill. In 1989 they stopped collecting and had an agreement with Meredith to use their facility. In 1997 the land fill was properly closed. I was part of this closure and I have history with this site for 26 years. The town is proposing a Shooting Range on the Northeast side of the land fill. Its approximately fifty feet wide by a hundred feet. The shooting range consists of paper targets in front of a Berm, (there is a minimum of eight-foot-high berm) consisting of earth material and sand material. This is allowing fragments to go through the targets and later to me sifted and collected and reprocessed. There are companies that do this on a regular basis. About a month ago we had a plan with the environmental services to show our plan. They wanted more of a definitive proper boundary between the land fill and the area for the range.

We are proposing from the DPW boulders that will be put at the end of the Landfill to make a clear line. We are also proposing an eight foot by twelve-foot shed made out of concrete blocks to store the targets and the apparatus that goes with the easels. The area we are proposing is roughly a half an acre, twenty-two thousand square feet. We feel the proposed use strikes a balance with the use and the needs to the public and the community. The site is unique where three sides of the town property is owned by one family the Bigelow's Estate. There is no residence in the direction of the shooting within eighteen hundred feet. The residence of the Bigelow family is perpendicular, due east within. We are proposing parking for five vehicles. There will be no waste oil or hazards material stored on the property. We have been monitoring the wells on this property so we have a baseline for lead. There is no lead or very low count as of now. After discussions with the state, they brought up that to test the water once every five years. I would like to go right into the variance request. It's a use variance. We believe the site is suitable for a shooting range as this is a 12 Acres parcel, we are only allotting 22000 square feet. It has adequate access to the site. There is no environmental impact, we are not in a flood plain or wetlands. There is a pond and stream but not near the range. We feel it makes sense to have firearm training. I would like to have Chief Mark Chase come up and explain why he needs the shooting range.

Chief Mark Chase- Thank you for your time, for those who don't know me I have been the police chief for 20 years and have been here for 25-26 years. I have been a fire arms instructor for 25 years and I'm the department fire arm instructor. For the past few years, we have been having a hard time getting our firearm training done by traveling out of town. We have to beg, borrow and steal from other towns ranges while trying to supply our town by keeping coverage. Our training program has suffered significantly. We have shot once this year, which does meet state requirements. I don't have to tell you shooting once does not cut it. If you play sports, you don't join the team and go to the championship. When we pull our firearm, we are at the championship and I want to protect my community and my officers. Obviously shooting is a perishable skill and I want to be ready. We have had five officer related shooting where we live in Belknap County in the past couple years and we need to be ready. It is here in our community and we need to be ready. I don't want to get into national statistics we just need to be ready to protect our community. What is funny about this proposal is that any private citizen can do this on their own land without coming to you or getting permission. As long as you are three hundred feet from another structure you can shoot on your land. We are not asking you for anything beyond what anyone else can do. I want to be crystal clear this will only be for police officers and police officers only. I never want it to be open to the public. As far as the site itself, everyone wants us to be ready but not in their backyard. I get it. Overall, this is a good site, it is a closed landfill. It is the best place of the environment, we already have monitoring wells, twenty-foot back stop and it is a very safe area. I could go into case law etc. but we got here after talking to the selectmen and listening to their concerns.

Karen Ponton- Did you ever have a public hearing?

Chief Mark Chase- I don't think it was ever a public hearing but it was in the selectmen's minutes. They allocated funding for Mr. Selling to proceed with the proposal.

Stephany Marchut Lavallee- How often would you be qualifying?

Chief Mark Chase- To answer that question is difficult but I would say fifteen times but if had to put a number on it to be safe I would say thirty times a year. Not that I think I would use it that much. But if I had a new gun that needs to be fixed or tested, I would have to go down to shoot.

If I have an officer that feels he wants practice, I would send them down to shoot. If I have an officer who is struggling with his qualifications, I will need to go down several time for short periods of time, an hour at a time. The old days for shooting of eight hours a day is not training. That does nobody any good.

Stephany Marchut Lavallee- What type of guns would you be qualifying with?

Chief Mark Chase- We carry two types of guns. A pistol which is a nine-millimeter and a patrol rifle which is a .223 caliber rifle. (Standard)

Bernie Volz- In your application you mention it won't be for only Center Harbor police, that you would also train with other police departments?

Chief Mark Chase- A County range is not what I want it to be. That's how you ruin everything. Would I want to train occasionally with Meredith absolutely. We train with them now. The type of training I want to do is officer rescue drills. You drive in with your cruiser and jump out and engage your target. This is the type of real shooting that occurs. Sitting there doing our annual qualifications, three yards, five-yard line and shooting at targets meets a state standard but we want to prepare our officers for something that would occur. There will also be two night shoots a year and when I say night shoots that means in the dark. I don't mean ten o'clock at night, it would be after sunset in the fall. About ninety percent of shootings are in the dark.

Bernie Volz- You would honor the noise ordinance.

Chief Mark Chase- Absolutely we don't want to disturb the neighborhood. This time of year, when it is dark at five o'clock.

Bernie Volz- You mentioned it would be fifteen times but if we were to put a limit it would be thirty times?

Chief Mark Chase- Honestly it wouldn't be that many but I don't know what the future will bring and I don't want to limit the police department in the future.

Bernie Volz- You could always come back and amend in the future if needed.

Chief Mark Chase- It is not like a recreational range where people will be shooting all the time year-round. This is not what this is.

George Lamprey- Where have you been going for training?

Chief Mark Chase- Different places. Mostly we use the State police range in New Hampton, Gilford, Alton and Ashland.

George Lamprey- In your application I notice that you would not be having lighting.

Chief Mark Chase- That is correct. Cruiser lights, headlights. Pistol lights - the tools they would have in real life. But no streetlight etc.

Gregory Hime- I'm concerned about lead. One of the good things is the proposed place for this range as you have a well test site. In the interest of the town is the mitigation of removal of the lead.

Thomas Selling- If you look on the website, working with EBA I have dealt with this issue and will be following it through. Their recommendation is on an annual, bi-annual mining on a periodically basis to sift the shell casings from the Berm. The State agreed with a five-year period of testing for lead. We don't think it will be an issue with the periodic mining of the bullet shells.

Thomas Reddy- Thank you Mark for bringing this in front of the board where as a Municipality you don't need to. I think it is a great that you are doing it for the neighbors and getting their input. As a retired police detective in New York and a SWAT leader, I know how important it is to be proficient in firearms. I think the night time training is a great service you are doing for the community. There are people in this country that want to hurt us and not just that, domestic is ninety percent of the calls were police officers get ambushed. As a homeowner and a member of the community I agree with this proposal.

Stephany Marchut Lavallee- Would you be interested in opening it up for the residents for fire arm safety.

Chief Mark Chase- I like the idea but I don't plan on it because I want to limit the use of this facility so I can keep the neighbors happy.

The voting members will be all the members. Bernie Volz (Chairman), Jean Meloney (Vice Chair), George Lamprey, Karen Ponton, and Stephany Marchut Lavallee.

Chair Volz opened it up to the public. First let's hear anyone that is in favor of the proposed range.

Patrick Curran- I live directly across the street. I am a retired police officer and a part-time Belknap County sheriff's officer. I am 100 percent in support of this type of training. But as a homeowner directly across the street with a dog that probably is going to freak out. I know that they are trying to make limitations as a neighbor not so much, also with places around the area they can go to.

Bill Ricciardi- 217 Whittier Hwy. I'm here in support of this as one of the selectmen of Center Harbor. We have had many conversations with Chief Chase about this project and it seemed like it was a perfect place to do it. I'm here in support of this.

Liz Littell- 120 and-106 Kieser Road. I also am an Abutter but I did not get a notification. I own two properties on Keyser Road and did not receive an abutter letter.

Helen Altavesta- When did you buy your property.

Liz Littell- Oct 2

Chair Volz- And you heard about it that's good.

Liz Littell- My questions are, did you get the Bigelow letter today? They support Center Harbor use only.

Helen Altavesta- Yes, I received it after I left for the day and when I came in for the meeting it was in my email.

Liz Littell- My comments are that the property values not being affected is wrong and now that I own two properties on Keyser Road its twice the problem. My property is directly across - it's beautiful and has a big beautiful stone wall. My plans were to move there when my kids were older. Now I have potential to have a range across the street from me. When it is saying the proposal is not detrimental and there will be no change to Keyser Street. That is totally ridiculous. I suffer from PTSD from a shooting, that is something happened to me when I was in my twenties. I hear every time someone shoots and I think did someone die. Now I'm supposed to walk my dog down Tuttle and hear shooting and in my house hear shooting. It was enough to hear the Ambrose all day long grinding. What am I supposed to do with two pieces of property when I don't want to live there. To say there is no hardship for people around I think that is ridiculous. I have dogs; they freak out that doesn't matter about them? I freak out. I don't have guns in my house. Just talking about them freaks me out. I'm shaking and I have been dreading this for the last forty-eight hours. I just had to say my piece, I do not want this in my neighborhood around my kids.

We have moved into those who are opposed to the proposed range. I will open to others that are opposed.

Mike Perry- Lot 13, Keyser Road. Its directly behind my lot. I worked for 10 years at the jail. I support our law enforcement training. But there is plenty of places for them to train. The property values and noise. I'm not in favor.

John Harrington- 122 Keyser Road. Property values obviously you would be a fool to think it wouldn't affect them, also we have dogs. It comes down to the questions. What are the hours of the day? Certain times of the day and it all comes back to property values. Also, Law enforcement is a broad term, the Bigelow letter said just Center Harbor, I already heard mention of Meredith and the next it will be the state police.

Randy Mattson- College Rd. I want to make sure the new letter goes in the record I'm not an abutter by land but clearly an abutter by sound. This will change my backyard. I was in support of this and anyone that knows me I was very heavily involved when the Police Department was built. I would be in support with the Chief doing it a couple of times a year to qualify for training but I would definitely need conditions. What I'm hearing now it is a lot more than this? What will keep other municipalities coming here in the future and how does this get controlled in the future.

Chair Volz- Read a portion of the new Bigelow and Helen Altavesta will post the letter on the website as it was received on 12/11/23 after business hours.

Bigelow's letter- the usage of the proposed firing range for the police of Center Harbor has much merit and we support the mission. However, I am concerned the range will be opened to either the state or public or both. I do hope that when the proposal is being voted on, restrictions can be put in place to ensure the original intent of the range and the spirit in which the idea was born, is truly held to just that - A training range for the Police force of Center Harbor.

Lee Mattson- The only concern I have with this whole thing. I have no problem with the town of Center Harbor police but if its open up to the Meredith police it will triple it. I would like to see it is just for the Town of Center Harbor.

Chief Mark Chase- I will have to be qualified to so I would have to bring someone in to train me. Also, when training my guys, I would need to bring another trainer in. It wouldn't be fifteen trainers it would be one or two.

Angela Labrecque- 128 Keyser Road. I wanted to make you aware of the NH RSA 674:54, that statue requires a public hearing, a new change to the property or change of use. I heard frequency but I did not hear duration.

Mark Chase- It would depend on the day. I like to keep training within a four-hour block but there would be times it would be just an hour.

Angela Labrecque- My kids ride their bikes down there, hunters and dog walkers. Would you post something?

Thomas Selling- The EPA guide calls out and I show on the plan where they would be located. There would be warning signs posted every hundred feet. The entire perimeter indicating there is a shooting range.

Angela Labrecque- I'm not worried about being aware this is happening; I want to know when it is happening.

Chief Mark Chase- This is a gated property.

Angela Labreque- Today we are shooting here is a sign.

Chief Mark Chase- Other ranges have red flags that they put up when they are shooting. We can do something like that.

Bernie Volz- Does it currently allow public access?

Chief Mark Chase- It is gated and locked. They are not supposed to.

Angela Labreque- People hunt and walk their dogs all the time in there. There is nothing that says you cannot go in. It could be a slippery slope, with other communities. I wonder if it is contrary to the public. Its agricultural / rural district but it feels like commercial. I feel if you put a motion in to please put it measures so that in the future there are records for when you are not here anymore.

Timothy Nefores- There would have to have hours of operation and red flags. People would want to go in and use those berms. Will you be monitoring them?

Chief Mark Chase- Of course.

Bernie Volz- It might be a good idea to put the hours on the PD website. Shoot today from three to five hours.

Chief Mark Chase- I do understand the concerns. We will address them.

Bernie Volz- Are you going to put a porta potty in there?

Chief Mark Chase- No

Chair Volz- Are there anymore comments or concerns?

Jean Meloney- What is the minimal times a year you would use this range?

Chief Mark Chase- Six times.

Jean Meloney- What is the maximum times a year without another towns?

Chief Mark Chase- Fifteen times.

Bernie Volz- How many rounds will you fire?

Chief Mark Chase- It depends qualifying rounds or just training? They are totally different.

Bernie Volz- Give the most then.

Chief Mark Chase- On a qualification course - there is thirty-six rounds twice with their pistols and 35 rounds twice with their rifles. The training drills getting out of the car and shooting, the important training not so much. I'm not trying to dodge your question it is just hard to say. If we are doing a dummy drill, it could be quick unless we felt we needed more training. It is just a hard question to answer. The purpose of training is not to pull the trigger as fast as you can and shoot as much as you can. There is no value in that type of training, that is not a survival skill and it cost a lot of money.

Randy- I just hope you are listening to what the abutters are saying. Take it to consideration if this was in your backyard. We hear shooting out in those woods now but nothing like that amount.

Greg Hime- We do in my neighborhood.

Bernie Volz- The time of year will make a big difference on noise too.

Bernie Volz- We also received a letter today from Alison Toates, an alternate member of the Board. She was going to excuse herself from this hearing and speak but she got caught up in bad weather because of the storm. Most of her arguments are the same as we heard, concerned with the noise and the dogs. That letter will be available later on the website.

Bernie Volz- If you were private homeowner, you would be able to do this. They would not have to come for either for a variance or special exception.

Driscoll- Public Hearing - RSA says they need a Public Hearing

Discussion on the RSA and how this needs a public hearing. This was brought up in the selectmen meeting several times and also went to planning board but never advertised as public hearing, only advertised from the zoning board.

Bernie Volz- I think we need to continue the hearing to research the RSA.

Motion to continue both the special exception and variance until the January hearing. Motion by Karen Ponton second by Bernie Volz. The vote was unanimous.

Bill Ricciardi- Chief Chase did mention that it would be for the town of Center Harbor police and occasionally if needed help from neighboring towns for qualifications. We have had several meeting and discussions on this topic with the select board which was also open to the public.

We are in favor for the change of use for the town land as it used to be a landfill and we figured it wouldn't affect the property values of the houses down any more than an old landfill.

Jean Meloney- Is there any way you could post a schedule a year out so the general public would know when the range was in use?

Chief Mark Chase- I would not be able to post a year in advance. There are too many variables that could come up and I wouldn't be able to keep to the schedule. Will I give significant notice. Yes of course I will.

George Lamprey- Thank you for coming up in front of the board and also allowing the abutters to voice their concerns.

2023-11-21-C Special Exception-Tax Map: 102 Lot: 042 Owners: Tyler Driscoll and Alice Field - 40 Kelsea Ave.

A Special Exception is requested from Zoning Ordinance, Article 5:11:2, to fill in an area currently used as exterior living space between the house and garage with no increased encroachment.

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November 20, 2023

Re: Attachment to Special Exception Application

Description of proposed use showing justification for a special exception as specified in the zoning ordinance, *Article 9 Section 9:4:1, 1 single family detached dwellings, (For permitted SPECIAL EXCEPTIONS see APPENDIX A)*

Explain how the proposal meets the special exception criteria as specified in *article 5 Section 5:11:2 of the zoning ordinance (list all criteria from the town ordinance)*

History: A construction permit application was submitted and denied on November 17, 2023 (see attached). The project proposes filling in an area currently used as exterior living space between the house and garage with no increased encroachment. The lot and structures are non-conforming, although there is 220 Sq. Ft of conforming area within the 368 Sq. Ft. of exterior living space. Such area was subject of a Variance granted at the June 19, 2006 Meeting (see attached). This permit was denied on basis of 5:11:3 with the request a Special Exception be filed.

Although there is no demolition and enlargement occupies mostly conforming area and/or area that exchanges exterior living space for interior living space, the closest special exception criteria is attached to 5:11:2 and is listed below. The situation is rare and truly site specific. As an overall practical matter, due to how area is currently occupied, although enlarged, I contend there is no expansion but a relocation of non-conformity.

Criteria 1. Sidelines and frontage setbacks: Due to the shape of the lot and current placement of structures there is no change or increased encroachment in any setback. Proposed project sits between the two existing structures rather than proud thereof or the existing limits of encroachment. A dormer in one of the existing second floor bedrooms utilizes existing floor area where low headroom exists.

Criteria 2. Screening of site/structure: The structure was initially listed in the Historic Resource Inventory in 1984 and updated in 2017. Structure was described in part as contributing to the historic character of the village (see attached). There is no need for screening. The design introduced a ninety degree axis utilizing the main house form to harmonize in mass with that which exists. Exterior details, siding cornice trim etc. will be matched with existing.

Criteria 3. Limitations on future expansion: The lot size restricts expansion other than an area to the northeast where conforming area exists. No expansion in that area is currently proposed based on that area being undisturbed and outboard of the existing building footprint. Applicant acknowledges that any future expansion would be at the discretion of the ZBA and would require additional application.

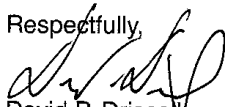
Criteria 4. Limitations on footprint size and total square footage of structure: Proposal seeks the square footage indicated on the drawings which is comprised of utilizing the area currently occupied as exterior living space. The footprint is shown as 320 Sq. Ft. on main level within the 368 Sq. Ft. of existing exterior living space. There is 220 Sq. Ft. of conforming area within the 368 Sq. Ft. exchanging 148 Sq. Ft. of exterior living space for interior living space which is less non conforming use of existing area. Cumulative square footage of both levels is 640 Sq. Ft. with 440 Sq. Ft. of conforming area which again is less than the existing impacted area if calculated at both levels. It seems complicated but its not. The square footage is limited to actually less than that currently in use.

Conclusion: This proposal intends to (a) Utilize a negative space between two structures which is impacted and occupied as exterior living space all proposed work is within the limits of existing encroachments, and, (b) Fulfill the spirit of historic village aesthetic by utilizing the existing architectural form on 90 degree axis in mass to fill in an odd negative space between two structures and emulate existing detailing, and, (c) Speak to overall spirit of ordinance by allowing a small house to become slightly larger, 1750 Sq. Ft. of usable space, which is well within or smaller in terms of neighborhood proportions. Proposal would help ensure the health, safety, economic viability and long time stability of the village by helping to full fill need for affordable housing for young families which is somewhat scarce.

This proposal makes sense and doesn't push or increase the envelope or act as a gateway to attach a large structure to that which exists.

Thank You in advance for reviewing this in an open minded manner.

Respectfully,



David P. Driscoll

David Driscoll presented his application with plan on how he was denied a building permit on November 17, 2023 and told to go for a Special Exception. The conclusion of the proposal is to utilize the space between two structures, while fulfilling the spirit of the historic village aesthetic.

Helen Altavesta- I asked counsel from our meeting on Monday and she said there was an argument for the Special Exception but they would still need a Variance for section 5:11:3. He does not need a Variance for the side setbacks because you already have them from a prior Variance in 2006.

Discussion on Variance for section 5:11:3. We will leave the Special Exception 5:11:2 as you have already applied for this. Variance needs to have the existing square footage of the whole structure and then the total square footage of the proposed. If you could bring pictures of the existing structure so we can visualize where you are going to put the new structure.

Karen Ponton- I want to thank you on behalf of my former membership on the Heritage Commission and have worked on researching this historic property. It is one of the most recognize historic homes in our town. I appreciate the time you are taking to match the existing architectural details to make it look good.

David Driscoll- I could have put a box in the middle and got a larger building but I wanted it to look good and stay within the character of the neighborhood.

Bernie Volz motion to continue until next meeting. Second by Karen Ponton.

All were in favor.

MINUTES:

Approval of the November 13,2023 meeting minutes

Motion by Bernie Volz. Motion to approve the minutes as presented.

Seconded by Gregory Hime. All were in favor.

Adjourned at 10:15. Next Public meeting scheduled for January 8 ,2024 at 7 p.m.

Submitted by Helen Altavesta.