

MINUTES OF THE NEW CASTLE ZONING BOARD OF ADJUSTMENT
Tuesday, April 19th, 2022 – 7:00 p.m. (Town Hall)

Members Present: Todd Baker, Chair; John Fitzpatrick; Mark Gardner; Ben Lannon; Matt Taylor.

Members Absent: Rebecca Goldberg; Margaret Sofio; Alyson Tanguay.

Others Present: William and Victoria Iannazzi; Anthony Jones, Jones & Beach Engineers, Inc.; Heidi Maddock; Margaret Pesce.

Chair Baker called the meeting to order at 7:11 p.m. Voting members of the Board are Chair Baker, Mr. Fitzpatrick, Mr. Gardner, Mr. Lannon, and Mr. Taylor.

1. Case 2022-02. Bill Iannazzi, in contract to purchase from Owner, Estate of Kay F. Spear, the property at 170 Wentworth Road (Tax Map 10, Lot 5) has applied for a variance from Article 4, Section 4.2.1 Table 1, in order to permit construction within the twenty (20) foot front setback. Construction will reduce the setback to 11.4 feet.

Chair Baker read the building permit denial letter from Russ Bookholz, Town Building Inspector. The proposed building is within the 20 foot front setback and requires zoning relief. Mr. Iannazzi will also need a shoreland permit from NHDES for working within the 250 foot shoreland buffer, and a conditional use permit from the Planning Board for working within the 100 foot wetlands setback.

Anthony Jones of Jones & Beach Engineers, Inc. presented on behalf of Applicant Bill Iannazzi. Mr. Jones is the Project Manager. He noted that the last change of hands of the property was in the 1940s, and there was not a lot of information on the boundaries, so Mr. Iannazzi had a new boundary survey completed. The 100 foot tidal wetland setback was delineated by wetland scientists. This is the delineation between the shoreland and wetland jurisdiction at the state level. Since it is a back lot, there is no legal frontage on Wentworth Road. Mr. Jones explained that there is a 14 foot wide access way to the property. The building currently encroaches into the front setback. The proposed building will have the same proximity to the front setback, but will not be within the same footprint. The proposed home will be two bedrooms like the current building, but will go from approximately 1,200 square feet to 2,200 square feet.

The house will be moved further back to allow more space between the neighboring house. The new structure will meet all side setbacks except for the front. The building could not be moved further back because it would not allow space for the driveway that will infiltrate water runoff from the neighboring lot. It also would not permit the septic to be installed out front, which would mean the septic system would have to be within the 100 foot setback.

Mr. Jones explained that the Iannazzis went before the Conservation Commission the previous week, and the Commission approved the project. They have not filed for any state permits yet. Mr. Taylor asked if test pits have been dug. Mr. Jones responded that they have dug test pits, which looked good. Mr. Taylor also asked about the proposed septic system. Mr. Jones explained

that it is a GST leaching system, which is a modified trench system. There will be a four inch perforated pipe on top of alternating sections of stone and sand, which allows the system to fit in a much smaller footprint. The house will be able to be lifted up enough so that everything is gravity fed, which will eliminate potential issues with pumps.

Mr. Jones went through the five criteria for zoning relief.

1. *The variance will not be contrary to the public interest;*

The proposal maintains separation from nearby resources to the greatest extent possible, and there will be a net reduction in the impervious surface coverage on the site. There will be stormwater management in the form of Eco-Paver permeable concrete pavers and a more flattened area in the front, which will reduce runoff velocity and enhance the pavers' ability to infiltrate stormwater. The existing cesspool will be replaced with a current septic system that meets state standards and provides proper treatment, as well as being relocated further from Lavenger Creek, which is in the public's interest.

2. *The spirit of the ordinance is observed:*

The proposed location of the house will maximize the distance from the wetlands. In addition, the applicants are proposing native plantings in the area.

3. *The values of surrounding properties are not diminished:*

The existing structure is an aging bungalow style, which will be redone to meet the overall style of surrounding houses. In addition, the house will be encroaching into the easement area and not into neighbors' yards.

4. *Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:*

Special conditions exist because the property is a backlot subdivision and has no frontage on Wentworth Road. This means that the front setback can only reasonably be applied to the side in which the lot is accessed from the easement. The proposed building will be no closer to the property line than the existing structure. The applicants are only asking for the same relief as the existing building. There is no fair and substantial relationship between the general public purposes of the Ordinance and the specific application of that provision to this property, because the front setback in this case is to a private easement and not a public way.

The house needs to be in the proposed location to allow for the septic and parking. There is hardship to the applicants because of the proximity to the wetlands and the neighboring house, which limits the space for sewage disposal. The proposed use is reasonable, and there will be no increase in bedrooms or sewer/water flow.

5. *Substantial justice is done:*

There is no benefit to the public that would outweigh the hardship to the applicant. The proposed improvements to the property in terms of the septic system, water infiltration, and net reduction in impervious surface areas will be more beneficial to the environment than the dwelling as it currently exists.

Chair Baker opened the public hearing at 7:28 p.m. Margaret Pesce, 168 Wentworth Road, questioned why the septic system would not be able to fit. She noted that there are systems that can fit in very small spaces, and wondered why the house could not be moved back. Mr. Jones explained that the alternate location would be on ledge, whereas the proposed location of the home is on soil. Ms. Pesce asked how many rooms the proposed house would have. Mr. Iannazzi stated that there will be two bedrooms and a home office, and the first floor will be wide open with a half bath, living room and kitchen. Ms. Pesce shared that she gets quite a bit of water in her basement and is concerned about the impact of the proposed structure. Mr. Jones explained that the impermeable surface area, that is, the area where water cannot get into the soil, will be decreased with the proposed project. Mr. Iannazzi added that at the Conservation Commission meeting, Mr. Bookholz discussed having a profile below the patio, consisting of two feet of stone below the patio and pavers for the driveway. This way, any water coming down would go into this reservoir. There would be a stone drip edge around the perimeter of the house as well. All water will be infiltrated so it would not go into Lavenger Creek.

Ms. Pesce asked what will be done with the existing ledge. Mr. Iannazzi responded that it will remain, though they may have to chip it a little bit to get the driveway to fit. The current driveway is where the house is. He added that water will not run into Ms. Pesce's yard because her property sits two to three feet higher. Mr. Taylor agreed that Ms. Pesce will see less of the Iannazzi's home than she currently does. Mr. Taylor asked if the basement will be a crawl space. Mr. Iannazzi responded that he would like to get some utilities in the basement.

Chair Baker read emails received from the public. Anne and Bob Miller, 410 Wentworth Road, wrote in support of the application. The Millers wrote of the Applicants' commitment to finding a home in New Castle that fits the character of the town. They believe the Iannazzis are true to their word, and will improve the property while respecting the land and quality of life for those around them. Donald Gough, 35 Little Harbor Road, was in favor of the application if the abutters agreed. Mr. Gough wrote that the property needs some upgrades, and he believed the proposal would enhance the character of the property.

Hearing no comments from the public, Chair Baker closed the public hearing at 7:39 p.m. and opened discussion back up to the Board.

Mr. Lannon stated that he spent time looking around the property and felt that there are special conditions that make it difficult to work with and create hardship for the applicants. He noted that there would still be a setback issue even if the proposed structure fit within the same exact footprint. In order to build a modern home, he felt that it was reasonable to need to expand, and there is no variance issue with the size of the proposed house. Mr. Lannon found the Iannazzis to be considerate with the wetland setbacks, and was overall inclined to support the application.

Mr. Fitzpatrick believed that the applicants are boxed in with the lot and what they could do with it. Given that there are no objections from the neighbor who would be most impacted by the proposal, he was in support of the application.

Mr. Taylor looked at the lot as well and found the design to be thoughtful. Mr. Gardner added that the proposal was thoughtful and would be a vast improvement to the property.

Chair Baker felt that all five criteria for zoning relief have been met. The existing setback that would be encroached upon is already nonconforming, and the street side setback will be less nonconforming. He found the request to be reasonable and to have met the hardship criterium.

Mr. Lannon motioned to approve the application of Bill Iannazzi as submitted, subject to the approval from all other necessary Boards, for the property at 170 Wentworth Road (Tax Map 10, Lot 5), having met the five criteria for zoning relief for a variance from Article 4, Section 4.2.1 Table 1. Mr. Fitzpatrick seconded. Motion carried unanimously by a vote of five to zero.

2. Approve Minutes.

Mr. Lannon moved to accept the March 2022 minutes as written. Mr. Taylor seconded. The motion carried unanimously.

3. Set Date of Next Meeting.

Chair Baker announced that the next Zoning Board of Adjustment meeting will be held on Tuesday, May 24, 2022 at 7:00 p.m. at the Town Hall.

4. Adjournment.

There being no further business, Mr. Fitzpatrick moved to adjourn the public meeting. Mr. Gardner seconded. The motion carried, unanimously, and the meeting adjourned at 7:46 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary