

**Town of Northwood
Zoning Board Adjustment
May 18, 2015**

Chairman Roy Pender calls the meeting to order at 6:30 p.m.

PRESENT: Chairman Roy Pender, Vice-Chairman Tom Lavigne, Curtis Naleid, Matthew Fowler, Alternate Bruce Farr, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver. Doug Pollock arrives at 6:45 p.m.

ABSENT: Alternate Robert Bailey.

ELECTION of OFFICERS:

Mr. Farr makes a motion, second by Mr. Lavigne, to retain the current officers of Roy Pender as chair and Tom Lavigne as vice-chair. Mr. Farr thanks the current officers for their hard work and adds that he believe the board is extremely pleased with the current officers. He states that he would appreciate the chair and vice chair serving for another term. **Motion passes; 3/0/2.** Mr. Farr and Mr. Pender abstain.

MINUTES:

January 26, 2015

Mr. Fowler makes a motion, second by Mr. Naleid, to approve the minutes of January 26, 2015, as written. Motion passes unanimously, 5/0.

VOTING DESIGNATION: Roy Pender, Tom Lavigne, Curtis Naleid, Matthew Fowler and Alternate Bruce Farr.

Case #15-02: Mark and Kelli Wentzell, Fiore Rd. Map 116, Lot 36 subplot 56. Applicants seek the following variances from the Northwood Development Ordinance, to permit construction of a garage:

- A variance to Table IV-1 & Art. IV, Section (B)(2)(b); lot is 0.15 Acs. where 2 Acs. is required;
- A variance to Table IV-1; Art. IV, Section (B)(1)(b)(2); and Art. IV, Section (B)(1)(c)(1). Lot has 60 ft. of frontage on a private road, which is not proposed to be upgraded;
- Relief from RSA 674:41, frontage is on a private road.

Mr. and Mrs. Wentzell are present.

Ms. Wentzell explains that they own property on Fiore Rd. and Lynn Lane. They are planning to move into the home located at 7 Lynn Lane. She states that they would like to build a garage on the Fiore Rd. property, which is actually behind the Lynn Lane property. She states that they are downsizing and moving to NH fulltime and will reside at the 7 Lynn Lane property. She explains that there is currently no storage area at the Lynn Lane property.

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Mr. Pender asks why the building permit for the garage was denied. Ms. Wentzell replies that the Fiore Rd. lot is an undersized lot; it is a 60' x 110', 6,600 sq. ft. lot.

Mr. Lavigne asks if lot 116-36 is a separate deeded lot from the house lot on Lynn Lane. Ms. Wentzell replies yes. Mr. Wentzell notes that the garage lot is two streets over from their home. Ms. Wentzell adds that the garage lot is approximately 300' from the start of the driveway of the house.

Abutter, David Kull is present, Map 112, Lot 6. He explains his location relative to the proposed project site. He states that his property is to the back of the proposed project site. Mr. Lavigne asks if the property is visible from his house. Mr. Kull replies yes.

Ms. Smith provides the 2001 subdivision plan and general discussion ensues as the board reviews the plan. Ms. Smith states lot 36 has two sublots 56 and 57. Mr. Lavigne asks if these two lots are one lot. Ms. Smith replies no there are two separate tracts noted on the deed. Mr. Farr states that the proposal is to build the garage in the middle of subplot 56.

A discussion is held regarding whether there is one or two deeds of the parcels. Ms. Smith states that there is one deed; there are separate parcels conveyed together. She states she believes that they can still sell these lots separately.

Ms. Smith refers back to the subdivision plan from 2001 and explains that when the planning board reviewed this proposal in 2001 Lot 26 was shown as one lot only. She adds whether the applicants came in to the town and said that they owned two separate tracts or not, at some point the lot was broken down into two separate tracts for assessing purposes.

Mr. Fowler asks for clarification as to which lot is the lot that will have the garage. Ms. Wentzell states it is the left side lot if you are facing the water.

Mr. Lavigne asks if there is anything preventing the other lot from being sold and asks if another application could be submitted to the board for something similar. Ms. Smith replies yes.

Mr. Pender asks if the lot is more than 1,000' from a state highway and Ms. Smith replies yes. She explains that the issue relative to the location of the road is addressed under 674:41 and the Master Plan and how it relates to that as far as 1,000' from a single access point. Ms. Smith states that the applicants are not creating a new lot; this lot already exists. She adds that the 1,000' road issue does not come into consideration as they are not

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creating a new lot. However, for development purposes, the applicants do not have any road frontage to meet the standard in the zoning ordinance, which is why they are applying for the variances for length of frontage, type of frontage, and for RSA 674:41. She adds they need relief from RSA 674:41 because it appears to be a private right-of-way or private road based on the information available.

Mr. Wentzell states that the road is a private road and an association has been created for the road.

Ms. Smith adds that a member of the public, who is not present tonight, did come in and review the file. Their concern was that the road was owned as a separate parcel. She states that she could not find any evidence to that effect. She notes that there are portions of Lynn Grove Rd. that are actually owned as a separate tax parcel that ties to the owners that front that parcel. However, relative to this lot, she could not find any information for Fiore Rd. that would indicate that is the case. She mentions this item only for the fact that someone would not have been notified of the hearing.

Ms. Smith refers to the deeds.

Mr. Pender states that the proposal is for a stand-alone structure on one lot. Mr. Naleid states that a garage is an accessory use and there is no residential use on this lot. Mr. Pender states that this is a garage with no living space, no plumbing, and no septic system.

Mr. Kull expresses concern with the fact that there will be a septic system on this lot; however, if it is just a garage he does not have that concern now. He mentions that there is a utility pole that will need to be relocated. Ms. Wentzell states that she has contacted the electric company and they have visited the site. She explains that there have been issues with the weight of the lines at their property on Lynn Lane as the poles are too short. She states that the electric company will do a re-design and relocate the pole, which will reduce pressure off of all the other neighbors down further. Mr. Wentzell states that this pole will be added with the new service for the garage. Mr. Naleid asks Mr. Kull if this electric service feeds his property. Mr. Kull replies yes and explains that he is concerned if there will be trees removed from his property due to the relocation of the utility pole. Ms. Wentzell states that Mr. Hull's property would not be affected; however, there will need to be some trimming of branches along the area.

Mr. Kull adds that this is a private road that must be maintained. He expresses concern with drainage issues with their proposed driveway. Discussion ensues regarding the driveway location. Mr. Naleid asks if it is

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Ms. Wentzell refers to the pictures included with the application. She provides a description of each picture noting Mr. Kull's home, the location of the proposed telephone pole, and the location of the proposed garage.

Mr. Pender asks if they have considered merging the lots. Mr. Wentzell states that they have considered it but asks what the benefits are the disadvantages. Ms. Wentzell states that when they first purchased this property they came to the town hall and were convinced that they had to combine all three of these lots with the home lot on Lynn Lane. She states that they looked into this further and realized that this was not the case. This is why they never combined the lots. Ms. Wentzell adds that they understood the taxes would be less; however, they have two adult children and thought that perhaps they may like to have the other two lots in the future.

Ms. Smith explains that three lots were at one point owned by one person. The tax maps and deeds are reviewed. The old tax map numbers show these lots as sublots 55, 56, and 57, which are the original Lynn Grove numbers. She states that one subplot was sold off and the other two sublots 56 and 57, were sold to the Wentzells. Ms. Smith refers to a warranty deed from Mr. Fiore which states that one lot was sold to Reales shown as lot 55, 56, and 57. The Reales then conveyed two lots to the Wentzells. The one subplot owned now by Reale is noted as lot 36.1 on the current tax maps.

Mr. Pender asks which lot is the lot that is being proposed to have the garage built on it. Ms. Smith replies that the garage will be built on lot 56 and the Wentzells are proposing to maintain lot 57 as a separate tract of land. Mr. Pender asks which lot is the summer house. Ms. Smith replies that the summer house is on a separate lot, on a different road, and is on the water.

In addition, Ms. Smith explains that there were many small parcels of land throughout town and many of these 50' lots were merged for tax purposes in the late 1990's and early 2000. Land owners were given an option to merge their individual tracts that adjoined. If merged, one tax bill would be sent

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out. If not merger one tax bill for each tract; it was not a forced merger. Ms. Smith explained that a merger in this case would not have been possible for the home lot and their two tracts due to the location of the home on Lynn Lane.

Mr. Pollock notes that the reason why the building permit was denied is due to the lack of road frontage. He asks if there is additional land that can be purchased to acquire frontage or is there a hardship. He states that this is a non-conforming lot and will still be non-conforming but would be more conforming if these lots are merged; it would allow 120' of frontage where there is only 60 ft. of frontage now. Mr. Wentzell asks if they were to propose something later would they need to come back to the board?

Ms. Wentzell states that they want to leave their options open. She states that they need to move equipment and they are not able to park near their home. If they do park in the area they block in their neighbors. She adds that they have offered their garage to their neighbors to also use for storage. She notes that they try to pull off of the road as much as possible due to safety issues. She states that the road is very bad in the winter too. She notes that she may want to add another small garage to the other subplot, in the future.

A discussion is held regarding addressing each variance separately. **Mr. Lavigne makes a motion, second by Mr. Naleid, to address each variance separately as well as the item relative to RSA 674:41. Motion passes unanimously; 5/0.**

Variance to Article IV; Section (B)(2)(b) ~ Lot Size
5 Variance Criteria

1. Granting the variance would not be contrary to the public interest.

Ms. Wentzell states that the proposal will not impact the road usage. They are not adding an additional residence and/or family. The proposal will help alleviate congestion by removing vehicles off of the road. She explains that the area consists of many summer residences and that brings in additional visitors in the summer and therefore, crowds the road. The garage will make the area safer as it will be bringing vehicles off of the road.

Mr. Naleid explains that these specific answers should be specific to the issue of the small lot where the requirement for lot size is 2 acres and this lot is .15 acre.

Ms. Wentzell states that this is a small lot. She adds that she is on a smaller lot than other lots in the neighborhood. She states that their home is 20' x

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36' on a lot that is 1000 sq. ft. She notes that this lot is consistent with the neighborhood.

2. The use is not contrary to the spirit of the ordinance.

Mr. Wentzell states that this is a private road. Ms. Wentzell adds that there are many elderly people in the area that visit their summer homes. This causes crowding in the area on the roads and many are not passable because of parked cars along the roadside. She states that the garage will ease congestion and it will be easier for fire apparatus to access the area, if necessary. She notes that these extra vehicles prohibit general deliveries of oil, propane, mail services, and other delivery services/companies.

3. Granting the variance would do substantial justice because:

Ms. Wentzell states that granting the variance would improve the safety of the neighbors. She states that one key point for them is that they do not have trash removal. She explains that there have been many occasions where they fill their pickup truck with their trash. She adds that her neighbor has the same issue. She states that there are many areas that are covered with trash.

Mr. Pender explains that this item is specific to substantial justice. He asks if there are others in the neighborhood that have a garage or any other structure on this size of a lot. Ms. Wentzell replies yes there is; one specifically has a house and garage on two separate lots.

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

Ms. Wentzell states that they are cleaning up the area. The lot will not be an area for disposal. It will keep vehicles off the roads and the lot will be maintained.

5. Literal enforcement of provisions of the ordinance would result in an unnecessary hardship because:

The special conditions of this property that distinguish it from other properties in the area are as follows:

(A) Owing to the special conditions of the property, set forth above, that distinguishes it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because:**

Mr. Pender asks if there is any way to make this lot into two acres. Ms. Wentzell states that they are not able to purchase enough land to increase

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the size to 2 acres. Mr. Farr asks if the property can be made larger. Ms. Wentzell replies yes it can.

(ii) The proposed use is a reasonable one because:

Ms. Wentzell states that the proposal is reasonable because it would benefit themselves as well as the neighbors. It allows us to move and store equipment and/or vehicles and the neighbors will also be storing items.

Mr. Farr asks if there are any other comments from the abutter. Mr. Kull replies that he does not have any additional comments in relation to the questions.

Mr. Farr comments that a garage with no plumbing may be a gain in this area to relieve some congestion. However, he does not feel that the evidence is as strong as it could be to meet the standard. He states that he would prefer to not offer a motion at this time. He adds that he is aware that this is not a time for negotiations; however, he states if the applicants were to combine the two lots it would provide him with the ability to see that the applicants had done everything possible to make the lot more conforming. He states that this is an extremely undersized lot with no real need for a garage for parking and in a way the garage is making the area more congested by adding another structure to the area. Mr. Farr expresses discomfort with the five criteria not being met. He states that if the lot were to be made larger then he may view it differently. Ms. Wentzell asks why he feels that it the case. Mr. Farr replies that he would then feel that the applicant had done everything that was possible to make the lot larger than it exists and in terms of the hardship of the land you cannot make it any bigger than those two lots together. He adds that it would also preclude adding another building in the future, which would reduce the potential for additional congestion.

Mr. Fowler states that the applicants indicated that they would like to keep all possibilities open for the other lot. He states that if the lots were combined there would be 120' of frontage and with that they may have more success with a variance request as there would be more frontage for this one lot.

Mr. Lavigne states that when there is a way that an applicant can make a lot more conforming it is the board's duty to not vote to approve the proposal.

Mr. Farr suggests that a recess be taken to allow the applicant a few moments to consider other options.

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Mr. Pender asks the applicants if they would like time to consider combining the lots. Ms. Wentzell states that they have had these lots for some time now and have seen other structures built on other lots that are much smaller than this lot. She states that they have discussed other options and she would prefer to leave all of their options open for their children and keep the property for the children.

Ms. Smith states that in 1966 the minimum lot size was 80,000 sq. ft. She states that this lot has been non-conforming since that point forward. She adds that the two acre requirement was voted in 2003-2004. She states that the applicants have non-conforming lots and they have been non-conforming lots for many years.

Mr. Farr makes a motion to deny the variance for road frontage based on the fact that none of the 5 criteria have been met. He states that there is another alternative to make this lot to be more in conformance with the town's ordinances. He adds that the board should not disregard that.

Mr. Pender asks the applicants if they would like to continue the case for a month or the board can proceed and make a decision tonight. Ms. Wentzell states that they would prefer to resolve the matter tonight.

Ms. Smith states that if the board denies the request based on the testimony tonight, the applicant always has the option to reapply with a different plan.

Mr. Lavigne seconds the motion.

Mr. Lavigne states that he understands the applicant's proposal. He states that there is not much land and the lots are small; however, there is a way for the lots to become more conforming and the board must acknowledge that point.

Ms. Wentzell asks if the board is going to force them to combine these two lots in order to have the garage approved. Mr. Farr explains that if the motion passes it closes the opportunity for the garage to be built on the single lot. He states that it is not forcing the lots to be merged but it will prevent the garage from being built on that one lot. He adds that another proposal could be presented. He clarifies that should the motion pass, the board would not be approving the application as presented-the garage in the size requested, on one lot.

Ms. Wentzell asks for clarification that the board is forcing them to combine the two lots in order to approve this proposed sized garage on the single lot.

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Ms. Smith recommends that the board end discussions with the applicants at this point. She states that the board's deliberations should not be perceived as negotiations. She explains that the applicants can come back to the board with a different application. She states that the board is voting on what has been presented tonight. She explains that the applicant can re-apply with another plan or an adjustment based on how they interpret the board's decision based on the vote, which is determined by what has been provided, discussed, and the testimony given tonight.

Mr. Farr agrees with Ms. Smith and adds that he agrees with Mr. Lavigne with the fact that the hardship of the land is the inability to expand the lot size (and road frontage) or to build a smaller garage than the proposed, or leave open for parking if that was a need. He adds that he does feel that this has been met. He adds that relative to substantial justice the area is constrained with many small lots and there is difficulty for the purposes of the record provided that it is no more unjust than other small lots. With meeting the intent of the ordinance, Mr. Farr explains that it is to reduce congestion including with buildings, and for well-intended purposes this actually goes in the other direction. Mr. Farr comments regarding property values he states that the area is very constricted and could be a case for restricting development. He states that he supports the motion.

Roll Call Vote:

Mr. Naleid – opposed

Mr. Farr - in favor

Mr. Fowler – in favor

Mr. Lavigne – in favor

Mr. Pender – in favor

Motion passes; 4/1.

Mr. Pender notes that there are additional items to be addressed and asks if it is necessary to continue on through the process of each item, based on the fact that the first variance was denied. Ms. Smith replies no and explains that the applicants cannot proceed with the proposal as presented without the first variance being granted. There is no objection presented by the applicants.

Mr. Pender explains the appeal process.

Ms. Wentzell confirms that the board has denied them of being able to build this garage on this small lot. She feels that their decision is prejudiced against them as there are other lots in the area that have been built upon.

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Mr. Farr asks if the other requests for relief could be continued to another date if the applicants would like in order to reduce fees should they choose another option. Ms. Smith states that there is one fee for all items inclusive that are included in an application.

Mr. Farr makes a motion, second by Mr. Fowler, to table the other requests for relief.

Roll Call Vote:

Mr. Naleid – in favor

Mr. Farr - in favor

Mr. Fowler – in favor

Mr. Lavigne – in favor

Mr. Pender – in favor

Motion passes unanimously; 5/0.

Mr. Pender explains the appeal process.

OTHER

Office of Energy and Planning Conference (OEP)

Mr. Fowler states that he attended the OEP conference and found it very interesting and well worth the time to attend.

ADJOURNMENT

Mr. Farr makes a motion, second by Mr. Fowler, to adjourn. Motion passes unanimously at 7:48 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary

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out. If not merger one tax bill for each tract; it was not a forced merger. Ms. Smith explained that a merger in this case would not have been possible for the home lot and their two tracts due to the location of the home on Lynn Lane.

Mr. Pollock notes that the reason why the building permit was denied is due to the lack of road frontage. He asks if there is additional land that can be purchased to acquire frontage or is there a hardship. He states that this is a non-conforming lot and will still be non-conforming but would be more conforming if these lots are merged; it would allow 120' of frontage where there is only 60 ft. of frontage now. Mr. Wentzell asks if they were to propose something later would they need to come back to the board?

Ms. Wentzell states that they want to leave their options open. She states that they need to move equipment and they are not able to park near their home. If they do park in the area they block in their neighbors. She adds that they have offered their garage to their neighbors to also use for storage. She notes that they try to pull off of the road as much as possible due to safety issues. She states that the road is very bad in the winter too. She notes that she may want to add another small garage to the other subplot, in the future.

A discussion is held regarding addressing each variance separately. **Mr. Lavigne makes a motion, second by Mr. Naleid, to address each variance separately as well as the item relative to RSA 674:41. Motion passes unanimously; 5/0.**

Variance to Article IV; Section (B)(2)(b) ~ Lot Size
5 Variance Criteria

1. Granting the variance would not be contrary to the public interest.

Ms. Wentzell states that the proposal will not impact the road usage. They are not adding an additional residence and/or family. The proposal will help alleviate congestion by removing vehicles off of the road. She explains that the area consists of many summer residences and that brings in additional visitors in the summer and therefore, crowds the road. The garage will make the area safer as it will be bringing vehicles off of the road.

Mr. Naleid explains that these specific answers should be specific to the issue of the small lot where the requirement for lot size is 2 acres and this lot is .15 acre.

Ms. Wentzell states that this is a small lot. She adds that she is on a smaller lot than other lots in the neighborhood. She states that their home is 20' x

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36' on a lot that is 1000 sq. ft. She notes that this lot is consistent with the neighborhood.

2. The use is not contrary to the spirit of the ordinance.

Mr. Wentzell states that this is a private road. Ms. Wentzell adds that there are many elderly people in the area that visit their summer homes. This causes crowding in the area on the roads and many are not passable because of parked cars along the roadside. She states that the garage will ease congestion and it will be easier for fire apparatus to access the area, if necessary. She notes that these extra vehicles prohibit general deliveries of oil, propane, mail services, and other delivery services/companies.

3. Granting the variance would do substantial justice because:

Ms. Wentzell states that granting the variance would improve the safety of the neighbors. She states that one key point for them is that they do not have trash removal. She explains that there have been many occasions where they fill their pickup truck with their trash. She adds that her neighbor has the same issue. She states that there are many areas that are covered with trash.

Mr. Pender explains that this item is specific to substantial justice. He asks if there are others in the neighborhood that have a garage or any other structure on this size of a lot. Ms. Wentzell replies yes there is; one specifically has a house and garage on two separate lots.

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

Ms. Wentzell states that they are cleaning up the area. The lot will not be an area for disposal. It will keep vehicles off the roads and the lot will be maintained.

5. Literal enforcement of provisions of the ordinance would result in an unnecessary hardship because:

The special conditions of this property that distinguish it from other properties in the area are as follows:

(A) Owing to the special conditions of the property, set forth above, that distinguishes it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because:**

Mr. Pender asks if there is any way to make this lot into two acres. Ms. Wentzell states that they are not able to purchase enough land to increase

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the size to 2 acres. Mr. Farr asks if the property can be made larger. Ms. Wentzell replies yes it can.

(ii) The proposed use is a reasonable one because:

Ms. Wentzell states that the proposal is reasonable because it would benefit themselves as well as the neighbors. It allows us to move and store equipment and/or vehicles and the neighbors will also be storing items.

Mr. Farr asks if there are any other comments from the abutter. Mr. Kull replies that he does not have any additional comments in relation to the questions.

Mr. Farr comments that a garage with no plumbing may be a gain in this area to relieve some congestion. However, he does not feel that the evidence is as strong as it could be to meet the standard. He states that he would prefer to not offer a motion at this time. He adds that he is aware that this is not a time for negotiations; however, he states if the applicants were to combine the two lots it would provide him with the ability to see that the applicants had done everything possible to make the lot more conforming. He states that this is an extremely undersized lot with no real need for a garage for parking and in a way the garage is making the area more congested by adding another structure to the area. Mr. Farr expresses discomfort with the five criteria not being met. He states that if the lot were to be made larger then he may view it differently. Ms. Wentzell asks why he feels that it the case. Mr. Farr replies that he would then feel that the applicant had done everything that was possible to make the lot larger than it exists and in terms of the hardship of the land you cannot make it any bigger than those two lots together. He adds that it would also preclude adding another building in the future, which would reduce the potential for additional congestion.

Mr. Fowler states that the applicants indicated that they would like to keep all possibilities open for the other lot. He states that if the lots were combined there would be 120' of frontage and with that they may have more success with a variance request as there would be more frontage for this one lot.

Mr. Lavigne states that when there is a way that an applicant can make a lot more conforming it is the board's duty to not vote to approve the proposal.

Mr. Farr suggests that a recess be taken to allow the applicant a few moments to consider other options.

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Mr. Pender asks the applicants if they would like time to consider combining the lots. Ms. Wentzell states that they have had these lots for some time now and have seen other structures built on other lots that are much smaller than this lot. She states that they have discussed other options and she would prefer to leave all of their options open for their children and keep the property for the children.

Ms. Smith states that in 1966 the minimum lot size was 80,000 sq. ft. She states that this lot has been non-conforming since that point forward. She adds that the two acre requirement was voted in 2003-2004. She states that the applicants have non-conforming lots and they have been non-conforming lots for many years.

Mr. Farr makes a motion to deny the variance for lot size based on the fact that none of the 5 criteria have been met. He states that there is another alternative to make this lot to be more in conformance with the town's ordinances. He adds that the board should not disregard that.

Mr. Pender asks the applicants if they would like to continue the case for a month or the board can proceed and make a decision tonight. Ms. Wentzell states that they would prefer to resolve the matter tonight.

Ms. Smith states that if the board denies the request based on the testimony tonight, the applicant always has the option to reapply with a different plan.

Mr. Lavigne seconds the motion.

Mr. Lavigne states that he understands the applicant's proposal. He states that there is not much land and the lots are small; however, there is a way for the lots to become more conforming and the board must acknowledge that point.

Ms. Wentzell asks if the board is going to force them to combine these two lots in order to have the garage approved. Mr. Farr explains that if the motion passes it closes the opportunity for the garage to be built on the single lot. He states that it is not forcing the lots to be merged but it will prevent the garage from being built on that one lot. He adds that another proposal could be presented. He clarifies that should the motion pass, the board would not be approving the application as presented-the garage in the size requested, on one lot.

Ms. Wentzell asks for clarification that the board is forcing them to combine the two lots in order to approve this proposed sized garage on the single lot.

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Ms. Smith recommends that the board end discussions with the applicants at this point. She states that the board's deliberations should not be perceived as negotiations. She explains that the applicants can come back to the board with a different application. She states that the board is voting on what has been presented tonight. She explains that the applicant can re-apply with another plan or an adjustment based on how they interpret the board's decision based on the vote, which is determined by what has been provided, discussed, and the testimony given tonight.

Mr. Farr agrees with Ms. Smith and adds that he agrees with Mr. Lavigne with the fact that the hardship of the land is the inability to expand the lot size (and road frontage) or to build a smaller garage than the proposed, or leave open for parking if that was a need. He adds that he does feel that this has been met. He adds that relative to substantial justice the area is constrained with many small lots and there is difficulty for the purposes of the record provided that it is no more unjust than other small lots. With meeting the intent of the ordinance, Mr. Farr explains that it is to reduce congestion including with buildings, and for well-intended purposes this actually goes in the other direction. Mr. Farr comments regarding property values he states that the area is very constricted and could be a case for restricting development. He states that he supports the motion.

Roll Call Vote:

Mr. Naleid – opposed

Mr. Farr - in favor

Mr. Fowler – in favor

Mr. Lavigne – in favor

Mr. Pender – in favor

Motion passes; 4/1.

Mr. Pender notes that there are additional items to be addressed and asks if it is necessary to continue on through the process of each item, based on the fact that the first variance was denied. Ms. Smith replies no and explains that the applicants cannot proceed with the proposal as presented without the first variance being granted. There is no objection presented by the applicants.

Mr. Pender explains the appeal process.

Ms. Wentzell confirms that the board has denied them of being able to build this garage on this small lot. She feels that their decision is prejudiced against them as there are other lots in the area that have been built upon.

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Mr. Farr asks if the other requests for relief could be continued to another date if the applicants would like in order to reduce fees should they choose another option. Ms. Smith states that there is one fee for all items inclusive that are included in an application.

Mr. Farr makes a motion, second by Mr. Fowler, to table the other requests for relief.

Roll Call Vote:

Mr. Naleid – in favor

Mr. Farr - in favor

Mr. Fowler – in favor

Mr. Lavigne – in favor

Mr. Pender – in favor

Motion passes unanimously; 5/0.

Mr. Pender explains the appeal process.

OTHER

Office of Energy and Planning Conference (OEP)

Mr. Fowler states that he attended the OEP conference and found it very interesting and well worth the time to attend.

ADJOURNMENT

Mr. Farr makes a motion, second by Mr. Fowler, to adjourn. Motion passes unanimously at 7:48 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary