

Town of Northwood
Zoning Board of Adjustment
August 26, 2013

Chairman Roy Pender calls the meeting to order at 7:00 p.m.

PRESENT: Chairman Roy Pender, Vice-Chairman Tom Lavigne, Bruce Farr, Curtis Naleid, Doug Pollock, Alternate Robert Bailey, Board Administrator Linda Smith, and Board Administrator Lisa Fellows-Weaver.

VOTING MEMBERS: Roy Pender, Tom Lavigne, Bruce Farr, Curtis Naleid, and Doug Pollock.

MINUTES:

Motion is made by Mr. Lavigne, second by Mr. Farr, to approve the May 20, 2013, minutes, as written. Motion passes unanimously; 5/0.

Case #13:02: James & Desneige Mounsey, 103 Lake Shore Dr. Map 109, Lot 41. Applicants seek a variance to Article IV, Section (B)(1)(c)(1) & (B)(2)(b); Article VII, Section (C)(5), to increase the size of the existing residence and relocate the structure, within the setbacks. Lot has 0.1 Ac. where 2 Ac. are required; and less than the required 150' of road frontage.

Mr. and Mrs. Mounsey are present. Mr. Mounsey explains that he would like to expand his existing camp; however, in order to expand the camp it must be moved to meet the Shoreland Protection Act. He must move the camp about 3 ft. towards the road on the northwest corner. He states that the southeast corner will remain as is; he has to maintain the 20.4 ft. distance. He adds that the state has requested that the house be placed 3 ft. closer to the property line and 20 ft. to the road.

Board members review proposed plans and the tax map.

Mr. Mounsey states that the camp and holding tank are in very rough shape. He adds that he is not sure as to how long the holding tank has been there, which is only 250 gallons. He states that he would like to rebuild and expand now. There currently is no septic system and there is no shower. He states overall the camp is very small.

Mr. Lavigne asks for septic design plans. Mr. Mounsey provides the plan and states that he must dig a trench across the street and put the septic system on his lot across the street.

Further discussion is held regarding the proposed size of the new structure. Mr. Mounsey states that the proposed structure will be a two story camp. He provides pictures of the lot.

Additional discussion is held regarding the height and the view. Ms. Smith states that if Mr. Mounsey had not had to adjust the setback, this would be an

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upward expansion of a pre-existing, non-conforming building, which requires a special exception. She states that because the building is moving, the applicant is losing the pre-existing, non-conforming status. She explains that the board is viewing this as setback relief only, as if it were a new setback request not as what it was. She states that if there is any alteration within the setbacks, then the relief must be for the entire building from the setback. Mr. Lavigne states that if the proposal is for two stories, then there will be impacts across the street and that would need to be considered by the board. Ms. Smith states that the building is being moved farther now than what it was and there will be a new building within the setback; this is different than what it was before.

Mr. Lavigne notes the massive oak trees that are on the property. He asks if there will be a full foundation. Mr. Mounsey replies yes. A discussion is held regarding the trees. Mr. Mounsey states that there are three oak trees that will be removed.

Mr. Farr asks if Mr. Mounsey owns two separate deeded lots. Mr. Mounsey replies that the lots are merged. Discussion ensues as to the lots. Mr. Mounsey explains that the well is located on the lot with the camp; lot 83 is a separate lot and will be the lot with the septic system. He notes that they have approval from the state for the septic. Fred Walker explains that Mr. Mounsey wrote an easement to himself for the septic system. Ms. Smith states that legally an easement cannot be written to yourself; it can only be to another party. She explains that if the Mounsey's were to sell all or part of the lot, an easement would be included in the deed conveyance not prior to it. She adds that it is an integral part of the development.

Mr. Pender asks if there are any abutters or affected parties present relative to this case. Present are Septic Designer Fred Walker, abutters Theresa Morrill and Gary Esancy.

Mr. Walker notes that there is a condition on the state's approved septic design. Mr. Pender reads the four conditions. Mr. Walker refers specifically to condition one, which states that the plan is approved with easement agreement language dated 8/4/13.

Mr. Mounsey states that he has either spoken to all of his abutters or has received letters who have all indicated full support of the proposal. He provides copies of letters from Mr. Vega and from Ms. Wendy Kelly, which is the lot across the street, lot 53. Abutter Ms. Morrill and Mr. Esancy both state that they support the proposal. Mr. Esancy states that there will be no obstruction to the view due to the change of the house than what the existing trees obstruct. Ms. Morrill states that she does not believe that the lot proposed for the septic system is large enough for a house to be built on. Mr. Pender notes that the lot for the septic system is 0.11 acres.

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Mr. Lavigne asks what the total square footage of the existing house is as well as for the new home. Mr. Mounsey replies that the existing is 635 sq. ft. and the new house will be 750 sq. ft. Mr. Mounsey explains that there is a loft proposed for the new home; 11'2" x 26'6".

Sketches of the proposal are reviewed along with pictures. A copy of the shoreland impact permit from NHDES is in the file and reviewed. Discussion ensues.

A discussion is held regarding the placement of the septic system and the existing well as compared to the neighboring dwellings. Mr. Mounsey refers to the plan and explains the locations of wells and septic systems.

Mr. Lavigne asks about the setbacks of the new proposed structure. He states that the southeast corner will be improved as it will be further away from the stone wall. He asks what is being gained. Mr. Mounsey replies that the southwest corner will be moved first about 3 ft. towards the road. Mr. Lavigne states that at this time that corner shows 3 ft. He adds that the westerly corner appears to be 6-7 ft. and will be changed to approximately 5 ft. Mr. Mounsey states that the amount from the boundary to the road is 23 ft. and will become 20 ft. Ms. Smith states that Lakeshore Dr. is a state road.

Mr. Naleid asks for clarification that the north side setback will be closer by approximately 2 ft. and the east side will be made better by 3 ft.

Mr. Farr states that he understands about the reconfiguration and squaring the house proposal; however, he asks about the second story of the proposed house as it will be increasing the size. Mr. Mounsey replies that the lot comes over 11 ft. from the side of the road and they would like to add two bedrooms in the loft area. Ms. Mounsey states that there is only one bedroom now and would like to add the loft upstairs. She notes that there really is not a bathroom in the cottage at this time. She states that they would like the large windows on lake side.

Mr. Lavigne asks if there will be room to stand up in the loft. Mr. Mounsey replies yes. He notes that it is 8 ft. from the ceiling and roughly 7 ft. with the tresses to the tip of the ceiling. Mr. Naleid asks for the height of the building. Mr. Mounsey replies that it is 23-25 ft. high.

A discussion is held regarding the approach of the board relative to the variance requests. The consensus of the board will be to address each variance request separately.

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5 Variance Criteria - Frontage

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

Mr. Mounsey states that the existing building will be built within the same footprint. He states that the frontage is approximately 80 ft. in that area and there is no room for further expansion within the boundaries.

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

Mr. Mounsey states that the lot is a small lot even with merging the lots. He states that the camp was built in the 1950's and most all of the lots are non-conforming lots. He adds that the area is a very tight area. He states that there is no room for additional expansion.

3. By granting the variance, substantial justice will be done.

Mr. Mounsey states that the property will be upgraded with the new home as well as the new septic.

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

Mr. Mounsey states that the proposed building will be a complete upgrade as compared to what exists. He states that everything will be an improvement. He states that the camp was built in the 1950's. There is no shower. He notes that the camp is in very rough condition. He states that all of the rooms are very small. He notes that there have been a few additions made to the building.

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

Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

Mr. Mounsey states that most lots in the area are non-conforming and are very small; probably built in the late 50's. There is not much room for any expansions. He adds that many people have the camp on another portion of the road with a different property down the road that they have to drive to in order to get to the beach area.

Mr. Naleid states that there have been some cases that have forced the board to become more precise with how the board absorbs the information. He states that he feels that none of the conditions have been met. **Mr. Naleid makes a motion to deny the variance for frontage based on the fact that none of the 5 criteria have been met. Mr. Farr seconds.**

Mr. Farr states that he feels that the proposal will not diminish property values and feels that condition 4 has been met. He states that the proposal makes sense; have a useable camp and are converting it into a full-time 2 bedroom home. However, the function of the board is to apply the ordinances and decide

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whether it is critical to make this much of a change even though it is a logical proposal.

Mr. Pender comments that the proposal is improving water quality due to the new septic requirement. He states that the proposal does not diminish property values.

Mr. Naleid states that the board must take the applicant's testimony to base the approvals on. He states that there could be different reasonings; however, the board must take the comments given at this time. He states that perhaps more time is needed by the applicant to review and provide further comments.

Mr. Lavigne states that he looks at the project itself, the size, and the proposal, as well as the responses. He adds that there could have been other options proposed and those could be extravagant; however, with this lot size, he does not feel that other options would be right for the road and/or the town.

Ms. Smith states that since the board is now breaking down the comments for compliance with the variance criteria, she suggests looking at the purpose of frontage and weigh what exists to what is proposed in relationship to the frontage. She states that the board's obligation is to review from the perspective of frontage and how it relates to the need of frontage.

Mr. Pollock states that if the application were for the existing footprint then there would be no need for this variance request.

Ms. Mounsey states that the way the camp is currently, they are able to pull onto the property and park 4 cars. She states that the corner that would be squared off will be closer to the road and is currently a walkway with a huge stump and rock and if someone were to park there they could potentially ruin the underside of their vehicle. Mr. Pender states that the frontage is on the road. Ms. Mounsey states that there will not be anything taken away from the road; it is only changing from the camp to the road.

Mr. Esancy states that Mr. Mounsey has a state approved septic plan and a shoreland permit. He states that he finds it hard that the town can stop something like this. Mr. Pender states that this board is not stopping the Mounsey's proposal. This is the process to grant relief from the ordinances. He adds that the board is trying to find a way to assist Mr. Mounsey.

Mr. Farr states that based on the testimony that has been offered he does not feel that there has been enough testimony given to grant the variance.

Mr. Farr - in favor
Mr. Lavigne - opposed
Mr. Pollock - opposed

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Mr. Naleid - in favor

Mr. Pender - opposed

The motion does not prevail; 2/3.

Mr. Pollock states that being that the septic system is being upgraded is an advantage to this proposal. He adds that the proposal is not that much larger than what exists.

Mr. Pollock makes a motion, second by Mr. Lavigne, to grant the variance for frontage based on the fact that all five criteria have been met.

Mr. Lavigne states that every lot in that area probably does not have a 150' of frontage. He states that there is no additional land for purchase and the applicants do own across the street already where the septic system will be. He adds that the proposal is not out of the scope of the area. He feels that the project is a reasonable use of land, the increase in the living space by 100 sq. ft. is a reasonable use; and the proposal is not a full two story home; it is only an open loft.

Mr. Farr - in favor

Mr. Lavigne - in favor

Mr. Pollock - in favor

Mr. Naleid - opposed

Mr. Pender - in favor

Motion prevails; 4/1.

5 Variance Criteria - Lot Size

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

Mr. Mounsey states that this is a very small area and they are restricted as to what can be done. He states that they are trying to make the proposal work within the boundaries. He states that they have approvals from the state. They have tried to keep the proposal small and it is almost on the same footprint. He states that there are not many other options.

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

Mr. Mounsey states that the lot is very small and does not meet the lot size requirement; they are very restricted with the area. He states that the well is existing and the septic is across street.

3. By granting the variance, substantial justice will be done.

Mr. Mounsey states that if the variance is granted the project will be a total upgrade to the building and an improvement in the living conditions and the lake.

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

Mr. Mounsey states that if the variance is granted the proposal will increase the area's property values. He notes that he has total support from the abutters.

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

Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

Mr. Mounsey states that most lots in the area are non-conforming. He states that they are trying to make the improvement work.

Mr. Farr asks for the total square footage. Mr. Lavigne replies that the old square footage is 635 sq. ft. and the new is 750. Further discussion ensues and Mr. Mounsey notes that with the loft area it is bigger. Mr. Lavigne states that it would be approximately 1,000 sq. ft.

Ms. Smith references the ordinance and non-conforming lots. She reads a section regarding non-conforming lots that were created prior to December 31, 2005, which contain less than 80,000 sq. ft. If these criteria are applied, then the structure can be increased without compliance to lot size if granted a special exception, rather than a variance. She explains that the septic system is across street and with a well radius near the side setback this would not allow the applicant to apply for a special exception. She states that typically with this type of situation the applicant could have pursued a special exception, provided that there was a state approved septic; however, because of the lot layout that forced the request for the variance for lot size.

Mr. Lavigne makes a motion, second by Mr. Pollock, to grant the variance for lot size, based on the fact that all five criteria have been met.

Mr. Lavigne states that there is a state road on one side, a lake on the other, and abutters on each side of you. He asks where the applicants can get more land. He states that there is no other option. He explains that he looks at the scope of the project and the answers. He feels that this is a reasonable use of the property. He states that he believes that the current values will be increased. All things considered, this will be a newer house with safety upgrades; it is not closing in on the lake, and he feels is a reasonable use. He notes that some trees will need to come down and a corner of the house will be a bit closer to the road; however, the road is not a 50 mile per hour road.

Mr. Farr states that he is not in favor of the motion based on the fact that he does not believe that the conditions have been met. He states that the

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applicants have the ability to keep the structure as a seasonal camp with only one-story and make use of the property. He states that the condition of unnecessary hardship of the land has not been met. As far as substantial justice, the size is being increased more than what the ordinance allows and he does not believe that this is fair as compared to what others are allowed to do with the ordinance. Mr. Farr states that the public interest has not been met as this exists as a seasonal camp and is being changed to a year-round residence. He adds that the septic system can be improved whether there is an improved building or not; the upgrade is a good thing but not a solid argument to use for obtaining a new septic system. Mr. Farr states that he feels that condition #4 has been met as the values of surrounding properties will increase as well as the owner's property values. He feels that there is not enough sufficient testimony to grant the variance.

Mr. Pender references Mr. Farr's comment relative to a seasonal camp upgrade to a new structure and states that there is a state law to upgrade the septic, RSA 155A.

Mr. Farr - opposed
Mr. Lavigne - in favor
Mr. Pollock - in favor
Mr. Naleid - opposed
Mr. Pender - in favor
Motion prevails; 3/2.

5 Variance Criteria - Setbacks

Mr. Naleid states that the setbacks pertain to the distance the structure is to the lot line and all of the answers should pertain to the distance the house is to the setback.

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

Mr. Mounsey states that the proposed building will be almost on the same lot line. He states that the northeast corner is not moving and there will be 3 ft. gained on the southeast corner.

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

Mr. Mounsey states that the lot is very small. There is land being gained on the lake side and no impact to the lake as that side is staying the same distance. Mr. Lavigne states that there will be 2 ft. more on the northwest corner on the state highway side.

3. By granting the variance, substantial justice will be done.

Mr. Mounsey states that they are rebuilding the building and upgrades will be done. He states that many of the structures on lots in this area are as close to

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the road. Ms. Mounsey states that they will gain some property on one side; they are trying to stay within the setbacks.

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

Mr. Mounsey states that all of the lots nearby are small and are non-conforming lots; this will not diminish their property values.

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

Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

Mr. Pender explains that the hardship is to the land. Mr. Mounsey states that there is no additional area to expand. The changes are the 2 corners that they are squaring off. He states that the state required this change and forced the 5 ft. setback to the lake.

Mr. Farr makes a motion, second by Mr. Pollock, to grant the variance for setbacks based on the fact that all five criteria have been met.

Mr. Farr states that there is no negative impact to the road side as compared to other neighboring properties which are also along the road. He states that the area is very tight. He states that the testimony for the setback variance is a solid testimony.

Mr. Farr - in favor

Mr. Lavigne - in favor

Mr. Pollock - in favor

Mr. Naleid - in favor

Mr. Pender - in favor

Motion passes unanimously; 5/0.

Mr. Pender explains that the decision is recorded at the registry of deeds and the variance goes with the land. In addition, he explains the appeal process.

Selectman Robert Holden is in the audience and thanks the board for granting the three variance requests as these decisions will result in a cleaner lake as well as increase the tax bill. In addition, he thanks the board members for their service to the town.

Mr. Pender requests that the selectmen address the need for alternate members on the ZBA and requests that the need be noted on the town's website.

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Case #13-03: Millstone Realty Trust, 1090 First NH Tpke. Map 217: Lot 35. Applicant seeks to amend a previously approved variance to Article V, Section (A)(2)(a)(b) to conduct drilling and blasting activity above the allowable limits beyond the 2013 deadline.

Dave Docko is present along with Peter Holden of Holden Engineering.

Ms. Smith states that this request is an unusual situation where the request is to change conditions of a previously approved variance. She states that she contacted counsel regarding processing the application based previous understanding that you could not request the same variance twice. Counsel's comments are distributed to members. Ms. Smith suggests that the board vote to make the document public, or keep as a non-public document.

After review, **Mr. Farr makes a motion, second by Mr. Naleid, to keep counsel's comments as attorney-client-privilege. Motion passes unanimously; 5/0.**

Ms. Smith provides case history of the property including both the ZBA and planning board.

Mr. Farr asks if Mr. Docko is applying for variance or applying to amend the current variance. Mr. Pender states that the applicant is requesting to amend a portion of the current variance.

Mr. Holden describes the property. He explains that the property is used as a construction yard where materials are sold. He further explains the application history of the property. He states that a site plan application was submitted to the planning board; however, the planning board felt that the description was more on the lines of operating a quarry and they were referred to the ZBA, where they submitted an application for a variance, which was granted with conditions on 4/18/09. Mr. Holden states that Mr. Docko has removed ledge material and blasted 4 times; the property is now pretty flat and is a useable site. He explains that Mr. Docko would like to continue to remove material further back on the property with an end result of a finished lot that will slope, with a berm and stormwater treatment berms. He explains that there will be no runoff. Currently the area is now graveled and everything soaks into the ground. Mr. Holden states that some areas have been over blasted so there is a place for the water to go when it does soak into the ground.

Mr. Holden notes that ZBA granted the variance; however, there were conditions of approval. He explains that during the first year blasting could only take place for 5 weeks, and subsequent years were for 4 weeks, during each year. He adds that hours of operation were required and that notification

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would be provided to the code enforcement officer when blasting would occur. He explains that as a part of the condition, a time of completion was also given, to be at the end of 2013. Mr. Holden states that at the time of approval they felt that 2013 would be adequate timing. At this time, they are requesting that the condition be amended to extend the completion time frame beyond 2013 and that there be no completion deadline applied. He adds that Mr. Docko would like to continue to remove materials as quickly as possible and end up with a larger flat parcel. Mr. Holden states that if a deadline was necessary, they request to extend the deadline for another 4 more years.

Mr. Pollock asks how many weeks blasting occurred this year. Mr. Docko replies three days of blasting. He states that there will be additional blasting done through this year.

Mr. Pollock states that when the original application was submitted it was presented as a phasing proposal. He asks where the phasing plan for sections I & II are. Mr. Docko states that there is actually three phases in total. He states that there are half way through phase 1; next blast will provide an area into phase 2.

A brief discussion is held regarding the proposed turnout. Mr. Docko states that he will have the turnout completed by the beginning of colder weather. He notes there is a complaint regarding dust. He states that there has not been any accidents in the area, no damages to people's property, or water. He states that he feels this is a good thing since they are within close proximity to other businesses and buildings.

Ms. Smith states that the original variance was for vibration, noise, etc., for the excavation activity. She explains that the criteria have not changed; the information is now located on page 27 in the current development ordinances. She reminds the board that the site improvements relative to the planning board's site plan are not pertinent for this particular request. Mr. Farr replies that he feels that the planning board information could be pertinent if there was evidence that the applicant had not carried out the conditions and the ZBA could take that information into consideration relative to credibility. Mr. Farr notes that there have not been any issues with the property owner or plan. Ms. Smith states that there have been a number of site plans approved; there is approval for material storage and selling materials off site. She notes that there may be some confusion that the site improvements are not completed; however, the improvements are part of the site plan relative to a retail use to allow people onto the site for purchases.

Mr. Farr states that the written testimony provided by Mr. Holden designates that the property owner is continuing with the original intent; they are making reasonable progress to complete the proposal, and are making decisions based

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on the economic times and realities that the project is taking longer than proposed. Mr. Farr suggests a 5 year extension. He states that he is not comfortable with a permanent extension as he is concerned with the neighbors and blasting, etc. He states that he does not feel that the approval should be open ended. He adds that the extension of 5 years will allow the applicant to return to the board. He states that he believes that the applicant has shown a professional job and there have not been any issues with the abutters.

Mr. Farr makes a motion, second by Mr. Lavigne, to grant a five year extension to the previously approved variance condition for Section (A)(2)(b) for blasting and drilling activity with a maximum period of 4 weeks for all drilling, blasting, crushing activity to occur annually through December 31, 2018.

Mr. Lavigne states the he does not support an open ended approval.

Ms. Smith states that there is letter received from an affected party. Mr. Pender reads the letter into the record. The letter, submitted by Sandra Priolo, expresses concern regarding the blasting and crushing, dust particles, radon levels and proper monitoring, along with concerns for noise and vibration levels, and property values. She requests a vegetative buffer and that there be safe guards in place to protect the properties and residences.

Mr. Farr states that he appreciates the comments from Ms. Priolo. He states that the board is not considering granting a new variance but a continuation of a condition. He states that he would like to stand by the motion he offered.

Mr. Naleid asks if there is monitoring done. Mr. Docko replies that there are seismographs used when blasting and recording is done. He states that the company testing exceeds what is required to be done. He states that there have been no readings showing damages to foundations or water to the neighboring areas.

Mr. Naleid asks about the need for more buffering and the vegetative buffer suggested by Ms. Priolo. Mr. Docko replies that there are trees proposed. He notes that there is an existing fence. He states that he will add maple trees in the spring and the stone wall should be completed too. Further discussion is held regarding additional buffering. Mr. Naleid states that he would be more in favor of the extension if the maple trees and mulching were accelerated. Mr. Docko states that the trees, mulching, and stone wall will be a buffer obtainable in the spring.

Mr. Naleid asks about spraying water during the crushing process. Mr. Docko states that there is a water truck on site that waters the roads and it makes a

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huge difference with the dust. He explains that the drilling process is probably the loudest noise on the site and is a short time.

Mr. Naleid notes that there is more room on the site now and asks if the project were to be accelerated, what would be a suggested time line for completion. Mr. Docko replies that the business is fighting the economy; he needs the public to purchase the products. He notes that he has been fortunate as there has been a steady pace but to put a time line on the project; it is way beyond anything he has experienced before so he is not really sure as to how long is needed and there is a lot of material. Mr. Naleid asks if a five year extension would be ample time to complete the project. Mr. Docko replies that the business is totally driven by the economy and the business could go either way. He states that he supports the motion as stated knowing that if more time is needed the opportunity is available.

Mr. Holden states that Mr. Docko has gone through most of the deepest portion of the property. He explains that the ground begins to slope off, the face becomes shorter, and this allows for the process to become faster.

Mr. Pollock asks what is done regarding monitoring for radon and dust levels. Mr. Docko replies that monitoring is not required, radon is common everywhere. Mr. Holden suggests that there be more watering; watering the roads more and water the belts of the equipment. Mr. Docko states that the majority of the dust is from crushing. He adds that a state representative has visited the site and has watched the crushing activity. A discussion is held regarding watering and the systems currently in place. Further discussion ensues regarding the Federal Bureau of Mines. Mr. Holden states that the bureau has its own regulations. He explains that the bureau sends people to visit gravel sites and do monitoring; you may not even realize they are there. Mr. Holden states that if nothing is received from the bureau then it could be presumed that everything would be okay and the employees are not at any risk.

Mr. Naleid makes an amendment to the motion for maple trees to be planted in the spring prior to next year's blasting. Mr. Pollock seconds.

Mr. Farr states that he is not in favor of the amendment. He does not feel that planting the maple trees would be a significant difference for the dust concern. He states that the planting does not need to be done ahead of time. He feels that it would be better to wait until the stone wall is completed.

Mr. Farr – opposed
Mr. Lavigne – opposed
Mr. Pollock – in favor
Mr. Naleid – in favor

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Mr. Pender – opposed
The amendment does not prevail; 2/3.

Vote – original motion:

Mr. Farr – in favor
Mr. Lavigne – in favor
Mr. Pollock – in favor
Mr. Naleid – in favor
Mr. Pender – in favor
The motion passes unanimously; 5/0.

INTERNAL BUSINESS

Proposed 2014 Budget

A proposed budget is provided and general discussion is held regarding the budget. Ms. Smith provides an overview of the line items. A discussion is held regarding the legal costs for the board so far this year.

Mr. Farr makes a motion, second by Mr. Pollock, to approve a level funded budget for 2014 for the ZBA. Motion passes unanimously; 5/0.

Law Lecture Series

Ms. Weaver provides information regarding the 2013 Law Lecture Series.

Mr. Pollock states that the board addressed a case some time ago and he feels that the board overextended themselves with guiding and directing the applicant to getting the job done. He states that the workshops direct the board to look at the towns' regulations and either say yes or no. He states that if the board had looked into what was presented, then he believes that the case would have been denied.

Mr. Farr states that he agrees; however, times have changed and the board is not the same board as 10 years ago. He explains that there are restrictions that the board must follow and at this point in time the board needs to be more cautious in that the board is hearing accurate testimony and the board is applying conditions accurately.

Mr. Pender states that in some situations, the board hears the testimony from the applicant and they are astounded and baffled as to what is required for their application to be approved. He adds that in code enforcement there is some human compassion that really has to come out. He states that the board could cause more damage than what is realized; however, there must be some compassion from the board that helps the case to move along.

Mr. Pollock agrees and asks at what point it is crossing a line.

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Town of Northwood
Zoning Board of Adjustment
August 26, 2013

Mr. Lavigne states that he looks at the entire project not just the answers and dialogue. He adds that the rules are the same for everyone; however, not everyone has the understanding of what is needed. The board needs to decipher the dialogue that is provided and make decisions.

Mr. Lavigne notes that there are times when the board does not agree on everything and there are different viewpoints. Discussion ensues as to the differences in opinions. Mr. Lavigne states that this shows that the board is really thinking for the best of the applicant and town.

Alternate Members

Mr. Pender requested Mr. Holden to please begin advertising for alternate members. **Mr. Farr makes a motion, second by Mr. Lavigne, to send a letter to the selectmen addressing the need that the ZBA is in need for alternate members, as soon as possible. Motion passes unanimously; 5/0.**

Adjournment

Mr. Farr makes a motion, second by Mr. Lavigne, to adjourn. Motion passes unanimously; 5/0, at 9:34 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary