

**Town of Northwood
Zoning Board of Adjustment Meeting
November 27, 2017**

Chair Fowler calls the meeting to order at 6:30 p.m.

PRESENT: Chair Matt Fowler, Brenda DiMatteo, Ruth Vultaggio, Babette Morrill, Justin Miller and Pam Sanderson.

TOWN STAFF PRESENT:

Board Administrator Linda Smith and Land Use Secretary Susan Austin.

VOTING DESIGNATION: Matt Fowler, Brenda DiMatteo, Ruth Vultaggio, Babette Morrill and Pam Sanderson.

MINUTES

November 13, 2017

Ms. Morrill made a motion to approve the minutes as amended. Ms. DiMatteo seconded. Motion carried 5/0.

Chair Fowler stated that they received an email from Jeffery Street requesting that they continue Case 17-20 until December 18, 2017.

Ms. Morrill made a motion to continue Case 17-20 until December 18, 2017. Ms. Vulatggio seconded. Motion carried 5/0.

CONTINUED CASES:

CASE 17-18: Mark and Kelli Wentzell, Map 116 Lot 36, 7 Fiore Road. Applicant proposes to construct a single-family home and are requesting the following:

- A variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .30 acres, where two acres are required.
- A variance to Article IV.B (1)(b)(2) for type of road frontage that does not meet the zoning ordinance, lot is on a private road.
- A variance to Article IV.B (1)(c)(1) for length of road frontage that does not meet the zoning ordinance, lot has 120 feet, where 150 feet is required.

Kelli and Mark Wentzell were present to discuss their application, along with Scott Frankiewicz from Brown Engineering. Ms. Wentzell stated that they would like to construct a single-family home on their lot, which already has a garage. She stated that they had addressed the abutters concerns from the last meeting about well placement. She distributed a new septic design to the board. She stated that the septic was moved to the back of the lot, and they are out of the 75-foot radius.

Ms. Sanderson asked if the drip edge was there in order to contain the runoff from the roof. Mr. Frankiewicz stated that it was.

Mr. Fowler opened the public comment.

Martin Tymowicz stated that he was president of the Lynn Grove Road Association. He stated that he had a chance to look at the new plan. He asked if the new septic design was approved by the state? He stated that he noticed that the elevations are different, that's why he was asking. Chairman Fowler stated that it was date stamped 11-20-

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2017. Mr. Frankiewicz stated that it was state approved and stamped by the state. Mr. Tymowicz stated that he felt the new plan was a little better than the old plan. He stated that the area was very congested, and already there are 7 septic systems within 1.2 acres, within 220 feet of the lake. Adding another one that close to the water is very concerning to him.

Bill Upton, 21 Fiore Road, stated that he lives across the street from the applicant's lot. He stated that the plan is good that they redid that septic system. He stated that his question is why wasn't it done the first time? If we hadn't come and complained about it, they would have put that where they had it in the first place. He adds that he is concerned with runoff. There is an existing garage there. The water that pours off of that roof is what floods that side of the road. Is that going to be fixed? He states that the applicant mentioned a small little ranch and he feels that a 28X40, with a 40-foot deck on the second floor is not a little ranch. When I walk out it's right there; it's their property, I understand but no consideration for anybody else. Ms. Morrill asked if he was complaining about the view. He stated no, but her words were a cute little ranch, but 40 across the front and 28 and two stories high is not a cute little ranch. It's going to end up with two apartments in it. Plus, the property slopes out and grades into the road. Who is going to make them follow all those rules and level that lot off and drain it to the back when they haven't done it in over two years now. They didn't put a silt fence up until October 27; they tore the hill down in 2015. If they are not forced into doing it they are not going to do it. Ms. Morrill asked about the runoff. Mr. Upton stated that there is a joke in the neighborhood, they call it Lake Wentzell in front of the house because of how much it floods up. There is no drainage off of there. Ms. Morrill asked how long it takes to drain. Mr. Upton stated that it takes a few hours once the rain stops. It goes down over one guy's hill and it washed the hill out. There is no place for the water to go. Ms. Morrill stated that they are talking about lot size now. But she will certainly ask more questions later. Mr. Upton stated that his stairs washed out. He had to put a wooden staircase in because the top stair let loose. He stated that he had to raise his driveway twice. My neighbor had to raise his driveway, because that's how much water comes down. It comes off that garage roof and only goes one way, across the street. Ms. Morrill stated that it looks like the new house will have a drip edge, to prevent that. Mr. Upton stated that the garage does not, and it slopes right into the road. Is the lot going to be leveled backwards?

Chair Fowler stated that they would like to refrain from finger pointing, or promises that were or weren't made. He stated that they are just looking at the lot size at this point.

Mr. Upton stated that if that was the case, the lot is too small for a 40X28 foot house.

Ms. Sanderson stated that she would like to see the elevations on the site plan such as slope or flatness. Mr. Frankiewicz stated that the septic design shows contours. Ms. Sanderson stated that looking at the contours, she can see a point where runoff could go directly onto Lynn Lane. Ms. Wentzell stated that she had pictures for the board that showed the elevations, and she distributed packets to the board. She stated that they show how the actual road is and the dirt in front of the property. She stated that you will see that her property was much lower than Mr. Upton's. Mr. Wentzell stated

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that the road was actually pitched towards their property, so no water ever goes across the street and down. The neighbors have all built their property up to force their water away from their properties. Ms. Wentzell stated that the water runs past their property because there is a crown in the road. It's a small crown, because as you'll see in the pictures that it's been dragged. The neighborhood gentleman will drag it with his piece of equipment. They drag it to try to take care of any potholes. What they are actually doing is creating silt piles on the edges of the road. Ms. Sanderson asked what the date of the photos were taken. Ms. Wentzell stated that they were taken within the past few weeks, around the time of the big rainstorm. Ms. Sanderson asked if there was a lot of work done after the storm? Ms. Wentzell stated that they all got out and do the due diligence to clear it. Mr. Wentzell stated that their section of the road was probably in the best shape of the entire road. Mr. Wentzell stated that it is a very level stretch of road, as they can see from the pictures. Ms. Wentzell stated that relative to the water runoff from the home, the road is tilted towards their property and they have actually cut in when they have done the dragging. and you can see it in the pictures. The water accumulates right near the front of the house into their driveway, so Mr. Upton's claim that they are washing out the stairs has nothing to do with them, it's just the way his property is designed. As for the garage run off, once they loam and grass the area, it shouldn't be an issue. As for the silt fence, they put one in and it was documented with the building inspector, two and a half years ago. They put an additional silt fence up after this last rain event. The building inspector has been out to the property several times. She stated that she has more pictures to distribute of the road that show emergency vehicles driving down the road. Chairman Fowler stated that they needed to focus on the variance they are dealing with at the moment, which was the lot size. These pictures address a lot of the issues that Ms. Sanderson had about emergency vehicles being able to get down the road. Ms. Sanderson stated that she'd be interested in talking about that when they we are on that variance. Ms. Wentzell stated that you can see the emergency vehicles that just recently came to our neighbor's house going down the road, as well as another neighbor that has been using a 16-wheeler dump truck up and down the road. Ms. Sanderson stated that they need to stick to lot size. Mr. Wentzell distributed a signed letter that they provided to Mr. Tymowicz giving him permission to put his septic in. Mr. Wentzell stated that Mr. Tymowicz wasn't concerned about the wells back then. Ms. Wentzell stated that his leach field is right on their property line and they gave him permission to do so. Ms. Sanderson asked when they built the garage. Ms. Wentzell stated that it was built in 2015. Ms. Sanderson asked if they could see the minutes from the 2015 ZBA meeting where this garage was approved. She asked if there was mention of intent at that time of an additional building. Ms. Smith stated that there was no mention of a residence. At the time, the focus of the garage application had to do with the safety of taking cars that may have been in the road in order to free up road space. A fairly substantial part of the testimony is about freeing up space in that neighborhood. Ms. Wentzell stated that it was because they own a house further down the hill, so it was extra parking. Ms. Smith stated that the testimony from 2015 stated "*Ms. Wentzell states that the garage will improve the area and the safety of all who live down the road below the garage lot. She states that their house is on the corner and the garage will move the vehicles up from the corner area and off the roadway.*" The testimony was relative to the garage because that is what they were applying for at the time, not a permanent residence. Ms. Sanderson stated that with an undersized lot

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and looking to put ONE new building on an undersized lot, knowing that this has already been brought forth in 2015 to put a building on an undersized lot, and this being the same lot again, we are looking at a situation where we are in a congested area. She adds that an abutter stated that there were 7 septic systems in a 1.2-acre area, and you are near waterfront. The idea of the garage being put in was with the assertion for safety to get the cars off the street by putting an additional home on there, one would preclude that there would be additional drivers. So, what happens to the cars that are using the garage? Would you still utilize it for the same safety purposes? Ms. Wentzell stated that at the time, safety was brought up due to the fact that they have neighbors and in the winter time they plow. They could keep the vehicles there, as well as other neighbors who utilize that parking as well. Ms. Morrill asked if they were to build, were they going to still allow everyone to park there? Ms. Wentzell stated that it was an issue that was brought up, and they don't just casually park there. If they are having a party they will ask them. So, in a sense, yes. They would still be able to park there. Ms. Sanderson stated the following from the June 21, 2015 minutes:

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

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

Ms. Wentzell states that the proposal will not be an impact to the area or the road. They are not living on this lot; it is a garage. They are not adding a residence. She adds that they cannot make the lot any larger.

Ms. Sanderson stated that it goes on to say they merged two lots, and she does mention about fire apparatus and the garage would make it easier for fire apparatus to access the area as it will remove vehicles from the road.

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

Ms. Wentzell states that the garage will increase the property values. She explains that this lot has been used as a dumping ground for trash and junk. She states that this lot will now have a new structure on it. Mr. Wentzell adds that the new structure will clean up the area.

Ms. Sanderson continues reading from the testimony of June 21, 2015:

(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 states that the ordinance requires 150' on a public road with 2 acres. Ms. Wentzell states that there is no way that they can increase the lot to two acres as there is no land available to purchase.

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

Ms. Wentzell replies that the proposal is for a garage and for storage. She notes that the garage size was reduced. She explains that there is minimal area at their home for parking and that area is at the bottom of a hill. She adds that the area is difficult in the

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winter months because of the hill. She states that the garage will alleviate some issues with plowing and will help with congestion in their own driveway.

Ms. Sanderson stated that it would appear that the original case for the undersized lot with the merging of the two lots was for the intent of the garage. According to the minutes it states that it was not going to be residential. This becomes a problem in that it is undersized and it's got the one building on it. She stated that she's not sure that this is the best use for it. Ms. Wentzell stated that the original intent when they came with the proposal for the garage was, they have owned this home for 20 years. They were selling their property and moving up there. The original intent was to build the garage where they owned two lots. To build a garage for storage because the home that they live in is 1,100 square feet, and there is no place for anything, snow blowers or anything of that nature. That was the proposal coming to the board. As for not having any intent of putting any other structure on it, it was never really discussed. Mr. Wentzell stated that it was brought up at the meeting. It was asked what was to stop them from applying for a residence on the lot, and the answer was nothing. What this comes down to is that circumstances have changed since 2015. They have a piece of property that they would like to put a very small conservative home on. The abutting properties are all around the same size. They are not proposing anything out of character for the neighborhood. It's a small home, there will be one bedroom upstairs, and they can afford to finish another bedroom downstairs. The intent is for something very personal in their family. She stated that she included a picture of an abutting home, a neighbor who just got their building permit. As a size reference, the 28X40 is the same size as theirs. Chairman Fowler asked if she knew what size the abutter's lot was. She stated it was under an acre. Mr. Frankiewicz stated that all of the lots in that area are about 60X110 square foot lots. Ms. Smith reminded the board that any aspect of a zoning ordinance, a person has the right to come back at any time in the future. This case should be heard solely on the merits of what is in front of you tonight. It certainly doesn't hurt to get background information or factual information from previous applications on the same property, and pull facts from that, but, certainly any aspect of a zoning ordinance can be brought in at a later date for relief. Especially when it's something that is different than what had been applied for previously.

Chair Fowler asked the applicant the five criteria questions.

Criteria supporting the request for a variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .30 acre, where two acres are required.

1. *Granting the variance would not be contrary to the public interest because:* We are not proposing to construct anything that is out of character for the neighborhood. We are requesting to construct a single-family home, ranch style two bedroom. Also, there are no abutting properties that will be impacted by the proposed construction. No homes have views blocked. We will maintain the required setbacks under the zoning ordinance.
2. *The use is not contrary to the spirit of the ordinance because:*

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All required setbacks will be maintained on the property. The proposed use complies with the zoning ordinance and the variance relief requested will not alter the character of the neighborhood.

3. *Granting the variance would do substantial justice because:*

We are simply requesting to build a single-family home while maintaining all setbacks on the property required under the zoning ordinance.

4. *The proposed use would not diminish surrounding property values because:*

We are requesting to construct a single-family home, ranch style two bedroom. We will maintain the required setbacks under the zoning ordinance and keep the character of the neighborhood. The square footage is average if not less than some of the surrounding homes. The use has no adverse impact on the neighboring properties. It will not diminish the surrounding property values but instead add value to the general area.

5. *Literal enforcement of the 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:*

Previously we combined two lots to satisfy unnecessary hardship while constructing the garage. We will maintain the required setbacks per the zoning ordinance. No views will be obstructed of the construction of this home.

Chairman Fowler closed public comment.

Ms. Sanderson made a motion to deny the variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .30 acre, where two acres are required.

She stated that granting the variance would be contrary to public interest because it is a congested area, it's an undersized lot with one building already existing on it, and it is a 3-acre lot. The spirit of the ordinance is not observed because undersized lot intention was for seasonal buildings of minimal size, intended as camps. The spirit of the ordinance was for undersized lots. Granting the variance will not do substantial justice because this is an undersized lot, with already one existing building and there appears to be some question as to water and runoff. Although the building has had improvements made to it with the drainage, there is still the question of an impervious land with the additional building being 28X40 in size. Granting the variance will diminish the value of surrounding properties to the extent that it adds traffic, people and septic to an already congested area. Literal enforcement of the ordinance will not result in unnecessary hardship, as there is no building there, so this is not the case of a person living there that needs improvement to a non-conforming structure or an aged structure. **Ms. DiMatteo seconded.**

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Chair Fowler stated that he agrees with the motion, he stated that the opposite side of the road is definitely congested. The side that they are asking for the variance on is less congested, however, adding another house to a lot that has a building on it already will start to congest, and that is not in the public's interest. He stated that they did approve the road frontage before, and that was when they were looking at the road frontage only. If there was the possibility to get more property in the back, to build back farther and make it less congested, then he could see another building going on that property. As it stands now, there aren't any special conditions that make it any different than any of the others to grant this variance.

Ms. Sanderson stated that she was holding to the idea of .3 acres with an existing building on it, regardless of when the building was built. Within the spirit of the ordinance a two-acre minimum lot, the lot itself is congested with a pre-existing building.

Ms. Morrill stated that she agreed with the previous statements. She stated that combining the lots to put the garage on was a good move, but more building really changes what the intent of the lot size was. If they hadn't put the garage on already it may be a different story. It's just too congested.

Ms. Vulatggio stated that she agrees. The addition of the house is too big for the lot size.

Ms. DiMatteo stated that she concurs with everything. Looking at the New Hampshire statute that articulates the purpose of zoning ordinances, it lists several, among them are to lessen congestion in the streets, to prevent the overcrowding of land, and to avoid undue concentration of population. It seems to be contrary to all five purposes.

Chairman Fowler stated that seeing no further discussion, he would like to call the vote.

Ms. Sanderson-In favor
Ms. Morrill – In favor
Ms. Vultaggio – In favor
Ms. DiMatteo – In favor
Chair Fowler – In favor.

Ms. Wentzell asked if they just denied them the opportunity to build on their property? Chairman Fowler stated that yes, they denied the variance. Mr. Wentzell stated that they had addressed all of the concerns from the last meeting. Ms. Wentzell stated that they had met all of the concerns. Ms. Smith stated that the board has made their decision, so they can't discuss the case. That particular variance is closed and subject to appeal.

Chair Fowler stated that they would move on to the next variance, which is a variance to Article IV.B (1)(b)(2) for type of road frontage that does not meet the zoning ordinance, lot is on a private road.

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Ms. Wentzell stated that the board had asked for turning radii for emergency vehicles. She stated that they included pictures of emergency vehicles going down their road. The vehicles had no issues getting down the road and they were driving at least 35 MPH. There are also dump trucks going by for neighbors that are building right now. There is also a turnaround at the beach, going out Old Woods Road, in the old days they called it the fire road, and the police chief stated that if they needed to use it they would. She stated that she included pictures of the beach, it's a .25-acre lot that the beach association owns and they have plenty of room to turn around there. Also, they can loop around and go past their home on Lynn Lane and make a loop. Mr. Wentzell stated that any and every type of vehicle goes down the road, 18 wheelers, dump trucks, etc. Chair Fowler stated that he saw that there was a road association and everybody pays dues or at least is supposed to be paying dues. Ms. Sanderson asked if they had any more information as to if the association was in good service functioning? Ms. Wentzell stated that they collect dues. Ms. Sanderson stated that there was testimony at the last meeting about whether people were participating and if it was a vibrant group that still had funds. Ms. Wentzell stated that it was. Ms. Sanderson stated that she thought it was the idea about creating a village district that is dead, according to testimony? Ms. Wentzell stated that it was currently dead. Ms. Wentzell stated that the village district was a matter that was being taken care of with the year-round folks, and that has nothing to do with the association. Ms. Sanderson asked about a culvert that they were maintaining. Ms. Wentzell stated that there was one further down the road that the association paid to have cleaned. Ms. Sanderson stated that she had several notes on the issue of the culvert. She stated that she thought it was about the issue of the runoff. Ms. Wentzell stated that it had nothing to do with their runoff, the culverts are old. Chair Fowler stated that he had notes from the Association minutes of June 24 2017,

“Told members about the problem of a failed drainage pipe running through their property that runs to the culvert pipe under Fiore Road. There has been extensive erosion and damage and have estimates for \$10,000 for repairs. There was a general discussion of the problem and the need for the association to consider repairing or replacing the culvert under Fiore Road, and the delays of permitting with NHDES”

Ms. Wentzell stated that the culvert that was in question was a hundred feet away from their property. Ms. Sanderson stated that regardless, it's a private road issue. Ms. Wentzell stated that there were many issues that they have to deal with on the private road. Ms. Sanderson stated yes, that was what they were looking at. They would like more information, in this case, what they are saying is that they have an estimate and they are held up a little bit by DES, but it's in the minutes. Ms. Sanderson asked if the road was maintained in the winter. Ms. Wentzell stated that it was, they have a road committee that puts out bid for having it plowed.

Chair Fowler opened the public comment.

Martin Tymowicz stated that they have approximately five culverts on the roads. They are in the process of identifying all of them. They know that two of them have pretty serious problems, and DES could shut them down. They are 70 years old, and they do

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not have the reserves to repair them. They do not have enough funds to properly grade the roads right now, and they have nothing to do the culverts. They have to try and repair them. Chair Fowler asked him what his role was in the association. Mr. Tymowicz stated he was the association president. He stated that they do have drainage problems. They go back and forth, they can never meet a consensus.

Bill Upton stated that Ms. Wentzell keeps bringing up Old Woods Road. It's gated, and they plow all of the snow down that road and pile it. We plow all the snow up, so there is now way out of that road behind my house, Lynn Lane. I have a staircase that was built in the 40's.; from that staircase to that tree is under twelve feet. A firetruck can't get through there. An ambulance can barely get through there. When she mentioned her next door neighbor; the ambulance had to back out and go around because they couldn't get past that tree. That oak tree is so close that the plow truck has to turn his plow in order to get by the thing. The top of Lynn Lane was never plowed until they moved in. By moving that, that's where the water problem comes in, now they plow down the hill, around the corner, and down there, and the water coming off that hill, naturally will come down that road. When they moved in, they dammed the top of the road off. He stated that he suggests that they go down and take a look. No matter how many pictures she shows, you can stand there and see that lot and the water runs downhill. Lynn Lane was never plowed. Seven houses and only one person lived there year-round. They only plowed a partial area.

Mary Ellen Mumburg stated that she lives on 5 Lynn Lane. She stated that they have lived there and watched the roads deteriorate over the years, not just some of them. All of them are in some state of disrepair. They are trying to make it better. But Mr. Upton is talking about the silt running down when it rains to Lynn Lane and flooding the houses. When you go up to look at is as he suggested, take a good look at the black plastic hose that he has attached to his roof, and all of the things attached to his roof go down into the plastic hose, out onto Lynn Lane. One of the reason it is destroying Lynn Lane is because this gentleman wants to drain all of the water off of his property to Lynn Lane and eventually it's going into the lake.

Martin Tymowicz stated that it is a very congested area, and he feels that is why they are hearing all of these different people's experiences, because they are all close together and the water has no place to really go.

Ms. Sanderson stated that she appreciates the road association paper work and the fact that they have heard from a person in charge of it and that it is in existence. Clearly it seems that there are issues on that road, ongoing and long-term issues that the association is working on. Mr. Wentzell stated that all they can do is pay the dues to make the road better and help out. Ms. Wentzell stated that this is a dirt road, and there is a lot of maintenance that has to take place, there is a road committee that gets out once a year, during the spring time to trim back trees and to rake. To address some of these water issues, if you look again, the water runs past the property and the silt issues that they discussed, is all fabricated because they drag the road and if you look at the pictures clearly you can see that there are mounds of dirt on each side of the road, so when it rains, it pushes the silt past our property. It was frequent this past summer. She stated that she cannot stop them from dragging the road in front of

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her property. It's the association that is dragging the road. With the water issues and the dam, it was to stop the water from running down Lynn Lane, which is a totally different road. The water goes past Mr. Upton's house as well. She adds that they hadn't planted grass yet because they have intentions of putting a home there, and that would certainly help. Further down the road is the culvert that they were talking about and during the last storm, she went out and took pictures. There is an actual stream that comes off of an abutter's lot that goes through there that is washing that culvert into the lake. Mr. Wentzell stated that they can't be blamed for all of the problems that are occurring. Ms. Sanderson stated that looking at the road width here, it looks to be 21 feet in front of the lot. It's two miles to Gulf Road, so it's over 1,000 from a town maintained road. Ms. Wentzell stated that it was 3,600 feet from Fiore Rd. out to Gulf Rd.

Chair Fowler stated that he would ask the five criteria questions.

A variance to Article IV.B (1)(b)(2) for type of road frontage that does not meet the zoning ordinance, lot is on a private road.

Criteria supporting the request for a variance to Article IV. B(6)(d)(8) for type of road frontage (private road)

1. *Granting the variance would not be contrary to the public interest because:* This is a private road. Lynn Grove Road to Fiore Road where our property is located. It is across the street from Lynn Lane. There is an established association as well as a road committee who hire outside contractors based off of bids for general maintenance and snow removal. Currently we are seeking to change the association to a village district.
2. *The use is not contrary to the spirit of the ordinance because:* This is a private road with the closest public road one mile away. It is maintained where emergency vehicles can pass during any type of weather.
3. *Granting the variance would do substantial justice because:* Our lot has provided extra parking for us as well as neighbors during heavy traffic months over the summer as well as winter making it easier to clear snow for emergency vehicles.
4. *The proposed use would not diminish surrounding property values because:* We are requesting to construct a single-family home, ranch style two bedroom. We will maintain the required setbacks under the zoning ordinance and keep the character of the neighborhood. The square footage is average if not less than some of the surrounding homes. The use has no adverse impact on the neighboring properties. It will not diminish the surrounding property values but instead add value to the general area.
5. *Literal enforcement of the 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:* Previously, we combined two lots to satisfy unnecessary hardship while constructing the garage. We will maintain the required setbacks per the zoning ordinance. No views will be obstructed of the construction of this home.

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Ms. Sanderson stated that with the proximity to the lake, the runoff issues that have been brought up are important. Ms. Morrill stated that maybe if the culverts were working some of those issues would be rectified. Ms. Sanderson stated that it's something that is going to have to happen at some point. Chair Fowler stated that what strikes him, is that in the association annual meeting minutes and listening to testimony from the abutter, who they need to consider, and looking at the dues received versus total expenses, which is less than \$1,000 in the account and outstanding dues totaling of \$13,000 The report saying that they are out of funds to do a lot of the work and knowing that they need a lot of repairs in culverts, unfortunately this looks like a deteriorating association. It's clear that a vehicle can pass by there, but who knows what the road will be like a year from now without the association moving in the right direction to keep the maintenance up on that road. He stated that long term he doesn't see the association being around for the long haul. This particular variance for this particular property is not the sole issue that they have on that road. He adds that anybody on that road that wants to do anything with their property in the future may need to address the issues of the road. He stated that they are not singling that property out, but it's evident that the entire road has the same issues. It would be beneficial to everyone on the road to take a look at this.

Ms. Sanderson made a motion to deny the variance to Article IV.B (1)(b)(2) for type of road frontage that does not meet the zoning ordinance, lot is on a private road.

She stated that the granting of the variance would be contrary to public interest because it is not in compliance with Article IV.B (1)(b)(2) type of road with the subdivision regulations including proposed to be upgraded to 22 foot paved road with 4 foot shoulders, and it is not 1,000 feet from a single access point., The spirit of the ordinance is not observed because the association, although intact, is not able at this point in time to address all of the issues that need to be addressed for public safety, culverts and the protection of the lake with the DES. It would not do substantial justice because the road is in poor shape, it will diminish property values because of the roads and erosion problems. There is no special situation on this property as it lies on this road with the other properties and is both part and parcel of the road situation. It is not the primary cause of the erosion; however, it is contributing to the road condition and the erosion.

Ms. Morrill seconded.

Ms. Sanderson-In favor

Ms. Morrill – In favor

Ms. Vultaggio – In favor

Ms. DiMatteo – In favor

Chair Fowler – In favor.

Internal Business

The board discussed potential zoning board procedural changes. Chairman Fowler read all proposed changes into the record. A second reading will be scheduled for the next meeting.

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**Ms. Sanderson made a motion to adjourn at 9:30 PM. Ms. DiMatteo seconded.
Motion carried 5/0.**

Respectfully Submitted

Susan M. Austin, Land Use Secretary