

**Town of Northwood
Zoning Board Adjustment
March 24, 2014**

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

PRESENT: Chairman Roy Pender, Vice-Chairman Tom Lavigne, Bruce Farr, Doug Pollock, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

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

ABSENT: Curtis Naleid, and Alternate Robert Bailey

PUBLIC PRESENT: Charlie Brown, Victoria Parmele, Sandi Barton, Mrs. Elliot.

MINUTES:

December 17, 2013 and January 27, 2014

Mr. Farr makes a motion, second by Mr. Pollock, to accept the minutes of December 17, 2013 and January 27, 2014, as written. Motion passes unanimously, 4/0.

Request of Rehearing

Mr. Pender states that the reason for the meeting is for the board to discuss a Motion for Rehearing request received from Charles Brown & Victoria Parmele, requesting a rehearing of Case 13-04 (R) David Elliot, 8 Pleasant View Ave., Map 109, Lot 38, David Elliot.

A brief discussion is held regarding the process of consideration of a rehearing. Mr. Pender explains that there will be no public input or discussion at this evening's meeting. He states that all discussion will be among the board members in order for the board to decide the merits to the appeal, based on the motion for rehearing, which was submitted to the board. The board will consider whether to rehear the case or deny the motion for rehearing.

Mr. Pender states that the materials submitted by Attorney Scott Hogan were previously sent to all of the board members and he inquires of the board if these materials have been reviewed. All members reply in the affirmative.

Mr. Lavigne states that in reading the materials, he feels that the items being presented in the request were addressed by the board during the previous hearings. He does not feel that there is anything new submitted that supports the request for a rehearing. Mr. Pender states that he agrees.

Mr. Farr states that there is certain criteria necessary for the board to grant a rehearing and asks if that criteria is either the board made an error in law or if there is new information available. Mr. Pender replies, yes. Mr. Farr states that he does not feel that there is any new information which addresses adverse

Official as of April 28, 2014

**Town of Northwood
Zoning Board Adjustment
March 24, 2014**

impacts and he does not believe the board made an error in judgment regarding this criteria. He adds that if *any* impact, rather than adverse impact, was the standard then nothing could change as any change would have an effect.

Mr. Farr refers to comments provided in Atty. Hogan's packet noted as "New Information justifying the Request of Rehearing" and addresses the items as follows:

- *Adverse impacts concerning blockage of sunlight and views.*

Mr. Farr states that ample time was taken and all testimony was considered previously regarding whether there are adverse impacts due to blocking of sunlight and views. He states that the members have viewed the area and have been on site and there is no new information provided which identify any impacts. He adds that there was ample opportunity to provide this information at the hearing.

- *Consideration of adverse impact on Mr. Brown's property values.*

Mr. Farr notes a comment regarding the expanded living space and the comment noting likely overcrowding of the septic load. He explains that there was much discussion held between the applicants and board members regarding the overall septic system; however, nothing new has been provided.

- *The cottage on Charlie's property will be upgraded at its present location.*

Mr. Farr states this comment regarding any upgrades to the property is not providing any new information to the board.

- *Abutters perspective*

Mr. Farr states that letters of support were provided from abutters. He adds that the comment being noted now by Mr. Brown about Dr. Vega's lack of knowledge of the septic system is not relevant information.

- *A proper septic system inspection is needed of the antiquated system Mr. Elliot is using on Mr. Brown's property.*

Mr. Farr states that the board discussed and dealt with the environmental impact of the septic system. He adds that there are no new bedrooms. He states that no new or additional information has been provided relative to this.

- *There needs to be a broader look at "impacts" in this small neighborhood.*

Mr. Farr states that the board members have visited the site. There is no evidence of impacts provided in the motion for rehearing. He adds that the board has heard the testimony. He states that nothing new has been provided as far as information and relevant to the impacts.

**Town of Northwood
Zoning Board Adjustment
March 24, 2014**

- *Impacts from Vehicles*

Mr. Farr states that Mr. Brown and Ms. Parmele mention that there are and have been numerous cars in the area, along the road, and in the parking lot of the public beach. Mr. Farr states that parking of abutters cars is not relevant to the case. He notes that it is also mentioned that some cars along the road are in the process of being repaired. Mr. Farr states that if the fixing of vehicles is new information; it is not relevant to the case as there is no effect to the construction.

- *Impacts from Buildings*

Mr. Farr refers to the applicant's comment regarding expansion of neighboring homes. He states that the existing condition of neighboring structures does not affect any potential impact by Mr. Elliot. In addition, Mr. Farr states that the board did discuss the matter of potential overcrowding as well as discussing the building scale of Mr. Elliot's proposal. He explains that the board did visit the site and again, this is not new information.

- *Impacts concerning other Land uses in the neighborhood*

Mr. Farr states that the building of docks as mentioned in the items is not relevant to the case. As far as previous construction creating a sense of crowding, Mr. Farr states that this too was previously considered and is not anything new for the board to reconsider.

Mr. Farr notes the comment specific to the cutting of trees and shrubs. He states that this is not a building issue; it is a trespass issue as well as the fact that there is no effect. He states that it is not an issue for the special exception.

Mr. Farr states that with the above comments and statements, he does not feel that there has been any significant or new information provided to the board for the board to grant a rehearing.

Mr. Farr makes a motion, second by Mr. Lavigne, to deny the request for a rehearing based upon the fact that no new information has been provided to the board, as stated in his comments, to persuade the board to rehear the case; and there is no evidence that the board made an error in law.

At this time, Ms. Parmele states that she has taken pictures of the ongoing construction on the site and expresses concern that the project is beyond the scope of the approved plan. Chairman Pender states that they are not receiving any information from the public.

Ms. Smith states that she had a discussion today with Charlie Smart, building inspector/code enforcement officer, who is aware of the situation. She states that following the board's decision this evening, he will exercise due diligence

Official as of April 28, 2014

**Town of Northwood
Zoning Board Adjustment
March 24, 2014**

and look at the construction to see if it fits the permit. She states that Ms. Parmele's concern and comments are a code enforcement matter and they are not relevant to the rehearing matter.

Roll Call Vote:

Mr. Farr – yes

Mr. Pollock – yes

Mr. Lavigne – yes

Mr. Pender – yes

Motion passes unanimously; 4/0.

INTERNAL BUSINESS:

ZBA Handbook

Copies of the 2013 ZBA Handbook are provided to members who will take home for review and return next month so other members may review.

Office of Energy and Planning Conference

A flyer noting the conference information is distributed. A brief discussion is held. Staff will send out the registration information as it becomes available and members will contact Ms. Weaver for further registration.

Welsh Road Status

A memo is received and read noting that due to an approved petition warrant article, the status of a portion of Welsh Road has been changed from Class VI to permanently discontinued.

Adjournment

Mr. Lavigne makes a motion to adjourn. Second by Mr. Farr. Motion passes unanimously at 7:29 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary