

**Town of Northwood
Zoning Board of Adjustment Meeting
June 27, 2016**

1 **Chairman Pender calls the meeting to order at 6:30 p.m.**
2

3 **PRESENT:** Chairman Roy Pender, Vice Chairman Curtis Naleid, Tom Johnson,
4 Matt Fowler, Doug Pollock, Board Administrator Linda Smith, Land Use
5 Secretary Susan Jastremski–Pastor.
6

7 Absent: Tom Lavigne
8

9 **VOTING DESIGNATION:** Chairman Roy Pender, Vice Chairman Curtis Naleid,
10 Tom Johnson, Matt Fowler, and Doug Pollock.
11

12 **MINUTES:**
13 **May 23, 2016**
14

15 **Mr. Johnson requests a change be made to page 5, line 16: “Mr. Johnson**
16 **makes an amendment to that the approval is based on the plan sheet 3 of**
17 **8 dated revised 4-13-16, revision #2, and the approval of the Planning**
18 **Board and Board of Selectmen”**
19

20 **MINUTES:**

21 **Mr. Johnson makes a motion, second by Mr. Fowler, to approve the**
22 **minutes of May 23, 2016, as amended. Motion passes unanimously, 5/0.**
23
24
25

26 **Case #16-07: Larry & Denise Cleasby, 303 Old Pittsfield Road, Map 205,**
27 **Lot 1.**

- 28 • A variance to Art. IV Section B (1)(b) (3) for upgrading Class VI road;
29 applicant requests upgrading to NH DOT Rural Road Standards in order
30 to construct a single family residence and barn.
31
32

33 It is noted for the record that legal notice requirements were not met for this
34 application. **Mr. Johnson makes a motion to continue this case until July**
35 **25 at 6:30 PM. Mr. Fowler seconds. Vote 5/0**
36
37
38

39 **Case #16-05: Diane Bishop, 33 Yeaton Drive, Map 206, Lot 2.**

- 40 • A variance to Art. IV Section B (1) (b) & (c) (1); applicant requests to
41 create lot with 54’ of frontage on Old Pittsfield Road (Class V); lot has
42 private road frontage on Dimes Road.
43

44 **Bill Wormell, surveyor and Diane Bishop are present.**

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1 Mr. Wormell is representing Diane Bishop. Applicant would like to cut a 12
2 acre piece to have access over Dimes Road out to Old Pittsfield Rd., with the
3 frontage on old Pittsfield Road. The only access for the new 12 acre lot would
4 be over Dimes Road. Mr. Wormell explains that 1973 plans created a 50 strip of
5 land that became Dimes Road, which is actually part of the parent lot. Ms.
6 Smith points out that the deeds don't indicate that 213-12 is a lot of record; it
7 is actually a part of 206-2. A conditional variance could be added that this lot
8 could never be divided again.

9 Chairman Pender asks the five criteria questions.

10 **Variance to Art. IV Section B (1), (b2) & (c1)**

11

12 **Variance Criteria**

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

14 The paved Dimes Road has been an established private road since 1973
15 and is currently an access road for 3 parcels of land, two of which have
16 buildings on them. Map 206 Lot 2 is a large tract of land which includes
17 the already paved Dimes Road.

18

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

20 Safe access to each property owner, emergency vehicles and others is
21 assured. Access to parcel 206-2 along Dimes Road would not conflict
22 with the other parcels currently abutting and using Dimes Road for
23 access. Access to 206-2-2, a 12+/- acre lot would allow for a single family
24 building lot to be established.

25

26 ***3. Granting the variance would do substantial justice***

27 It would allow access from the previously established paved Dimes Road
28 to the 202-2-2 parcel of land.

29

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

31 The 12+/- acre lot would solely be used for a single family residence with
32 frontage on Old Pittsfield Road and access on the previously established
33 paved Dimes Road with little to no disturbances to either of the existing
34 lots.

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

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1 The special conditions that distinguish it from other properties in the area are
2 as follows: It has a previously established paved road that has always been
3 intended to be used for access to this property; it has been used since 1973
4 and will have little to no impact on existing abutters.

5 **Mr. Naleid makes a motion to approve the application with the condition**
6 **lot 202-2-2 remain a 12 acre lot with no further subdivision or lot line**
7 **adjustment reducing lot size, and no easement or right of way can be**
8 **given to pass over 206-2-2 to access additional lots. Mr. Johnson**
9 **seconds. Vote 5/0**

10
11 **Case #16-06: Patrick Doyle/Garry Barnes 324/336 Jenness Pond Road**
12 **Map 203 Lots 5 & 6.**

13 A variance to Art. IV Section B (2) Boundary line adjustment that would leave
14 both lots below the minimum lot size requirements.

15
16 Tom Huot from S&H Land Services presents for homeowners, Garry Barnes
17 and Patrick Doyle, who are also present. Mr. Huot explains the details of the
18 boundary line adjustment. If they merge Lot 5 with Lot 15 it will be a
19 conforming lot. The applicant has submitted the application with that plan.
20 The variance is now to allow Lot 6 to be the only non-compliant lot.

21 Mr. Johnson asks about the maps still showing everything as separate lots. Mr.
22 Hout explains that everything was submitted to the planning board prior to the
23 denial, so the maps still show the old plan. They will submit updated boundary
24 plan once they get approval.

25 Chairman Pender asks the five criteria questions.

26 **Variance to Article IV; Section (B)(2)**
27

28 To allow a Lot Line Adjustment that will merge lot #5 with lot#15 making
29 it a compliant lot. This would leave lot 6 as a non-compliant lot due to lot
30 size; Lot 6 is not a building lot.

31
32 **Variance Criteria**
33

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

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1 Granting the variance would merge lot 5 with 15 making it one compliant
2 lot and would eliminate an additional access easement to Jenness Pond.
3 Lot 6 is not a building lot and is already non-compliant to lot area.

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

5 By granting variance, lot 5 would be merged with lot 15 bringing it into
6 compliance. Lot 6 is already non-compliant and is a non-building lot.

7 ***3. Granting the variance would do substantial justice***

8 By granting the variance, lot 5 would be merged with lot 15 bringing it
9 into compliance. Also, an additional access easement to Jenness Pond
10 would be eliminated. Lot 6 is already a building lot and is already non-
11 compliant to lot size.

12
13 ***4. The proposed use would not diminish surrounding property
14 values***

15 By granting the variance, Lot 15 would become more valuable and not
16 diminish property values as it would be merged with lot 5 creating more
17 water frontage on one lot. Lot 6 is already non-compliant and is not a
18 building lot thus the tax base for the surrounding properties would be
19 maintained.

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

22 The special conditions that distinguish it from other properties in the
23 area are as follows: Lot 6 is not a building lot, but is strictly a lot used to
24 access Jenness Pond.

25 **Motion is made by Tom Johnson, second by Doug Pollock to approve the
26 variance based on the condition that Lot 15 and Lot 5, Parcel A and
27 Parcel B are all merged into one lot. Vote: 5/0.**

28 **Mr. Fowler makes a motion to adjourn at 7:20, second by Mr. Johnson**

29
30 **Respectfully submitted,**

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32 **Susan Jastremski-Pastor, Land Use Secretary**
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