Town of Northwood
Zoning Board Adjustment
January 25, 2016

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

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

ABSENT: Curtis Naleid, Alternate Bruce Farr, and Alternate Robert Bailey

Mr. Pender states that there are only four members present tonight, which requires that there must be three votes in the affirmative for the variance requests to pass. He states that the applicant can proceed with the four members or postpone for a five member board.

Mr. Petrin states that he would like to proceed tonight with four members.

VOTING DESIGNATION: Roy Pender, Tom Lavigne, Matthew Fowler, and Doug Pollock.

MINUTES:
December 21, 2015
Mr. Lavigne makes a motion, second by Mr. Fowler, to approve the minutes of December 21, 2015, as written. Motion passes unanimously, 4/0.

Case #16-01: Andrew & Melanie Petrin, 27 Ash St. Map 122, Lot 113.
Applicants seek the following variances from the Northwood Development Ordinance, to permit construction of a single family residential structure, and septic system:

- A variance to Art. IV, Section (B)(2)(b); lot is .27 Acs. where 2 Acs. is required;
- A variance to Art. IV, Section (B)(4)(b); structures and septic within the 20' setback;
- A variance to Art. IV, Section (B)(1)(b)(2); type of frontage-private road
- A variance to Art. IV, Section (B)(1)(c)(1); length of frontage

Mr. Pender asks if there is any way to make this lot any larger. Mr. Petrin replies no, not at this time. He explains the area noting that these are all small lots; 50' x 100'. He states that this lot is in the shape of an "L" as a result of joining to lots together. He notes that there is property available in the area but it is not abutting his land. He adds that they are not opposed to purchasing additional property if it should become available.

Mr. Lavigne asks if the application was modified. Mr. Petrin replies that they originally applied for a three bedroom and have amended the plan to request a

two bedroom. Mr. Pender asks for an updated floor plan showing only two bedrooms. Mr. Petrin provides the original floor plan amending the third bedroom to an office and the closet to be modified to a pantry. Copies are provided and an updated floor plan will be provided by the applicant from the manufacturer.

Mr. Pollock asks if they have approached any neighbors regarding purchasing additional land. Mr. Petrin replies he has not approached anyone. The subdivision plan is reviewed and discussion ensues. He notes that some land is available; however, owned by the town and he is not a direct abutter.

Mr. Lavigne asks if there is an approved septic design. Mr. Pender notes that there is an approval from NHDES. Mr. Lavigne asks if the approval is for a two or three bedroom. Mr. Petrin replies that the septic approval is for a two bedroom.

Mr. Fowler asks about the direction of the floor plan. Mr. Petrin states that the living room will be on the Ash Street side.

A discussion is held regarding bedroom 3 being proposed as an office with the pantry. Mr. Pender states that this is still a bedroom with a closet. Mr. Petrin states that he will change the layout to not have a closet in the office and make the closet in bedroom two one large walk-in closet.

Mr. Pender notes that there are no abutters present.

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.
Mr. Petrin states that granting the variance will improve the character of the neighborhood. He states that this lot is currently vacant. There is an old foundation left from a house that was torn down. There is also an old septic system. The variance will allow them to remove the septic system, concrete slab, and pylons. He states that they intend to put in a full basement. He adds that they will use the existing well head. Overall, the proposal will revitalize this parcel. He adds that there are no lots within the development that have 2 acres so this proposal will not be obtrusive or out of place. He notes that these are mostly year round homes in the area and all of the lots throughout the development are small.

2. The use is not contrary to the spirit of the ordinance.
Mr. Petrin states that this area is an older development and there is no additional land to be purchased to meet the 2 acre requirement. He states that all lots in the development are undersized.

3. Granting the variance would do substantial justice because:
Mr. Petrin states that the variance would increase property values and upgrade the lot. He states that this will improve the area and be similar to the surrounding properties. He states that the proposal is for a double-wide mobile home with a 7' roof pitch and will be on a foundation.

4. The proposed use would not diminish surrounding property values.
Mr. Petrin states that the subdivision was originally created for seasonal camps. He states that many lots have been combined and the area now has year round homes. He adds that the lot will be improved and revitalized and will improve the overall area.

5. Literal enforcment of provisions of the ordinance would result in an unnecesary hardship because:
The special conditions of this property that distinguish it from other properties in the area are as follows:
Mr. Petrin states that the lots were made prior to the requirement of 2 acres. He adds that the approved septic system is only for two bedrooms and will not overburden the land. He adds that the well head is existing. He adds that the proposal will not impinge on the neighboring water rights. He states that the proposed home will be supported and will not encroach onto neighboring properties, which is why the septic was placed in between the lots at the rear of the property.

Mr. Lavigne asks if the streets have a 50' right of way. Mr. Petrin states that he based the setbacks from the actual property. He states that there is 20' that does change to 30' but that is not his property. Mr. Lavigne states that the plan provided shows that the house is 11.7' away from the road side and the stairways will be 6.8'. Mr. Lavigne asks about the frontage. Mr. Petrin replies that there is 52' on Shore Dr. and 208' on Ash Street.

Mr. Lavigne asks if the property was purchased as a whole or was it purchased separately. Mr. Pertin states that he purchased the two lots as one parcel; previously merged.

Mr. Lavigne makes a motion, second by Mr. Fowler, to grant the variance to Article IV; Section (B)(2)(b) for lot size for an encroachment of 8'3", based on the fact that all 5 criteria have been met.

Roll Call Vote:
Mr. Fowler – in favor
Mr. Pollock – in favor
Mr. Lavigne – in favor
Mr. Pender – in favor

Motion passes unanimously; 4/0.

Variance to Article IV; Section (B)(4)(b) – Setbacks
Mr. Pender states that the setbacks are 6.7 ft.

Mr. Fowler states that the lot is narrower than 100 ft. and the setbacks should be 10 ft. Mr. Fowler asks if the two decks could be 3 ft. not 5 ft. and remove one deck. Ms. Smith states that the setback requirement is 20' because there is 100 ft. of frontage; the maximum lot width on this lot is 100 ft. not 50 ft.

Ms. Smith states that the variance is for the septic and the structure. She notes that there is a shed and chain link fence on the property. She explains that the board is not acting on the shed or fence, or approving the shed or fence. Mr. Petrin states that he does not have any problem with the shed or fence.

5 Variance Criteria
1. Granting the variance would not be contrary to the public interest.
Mr. Petrin states that the building width would allow a 10 ft. wide house. He states that they are proposing a double wide mobile home. He explains that the placement of the house is centered on the lot to allow for maximum distance on each side. He states that the width of the house is 26'8". He states that they did achieve the setbacks on the back property line; however, the well location is existing. He adds that they could shift the home and have a smaller setback on Ash St. but would add more setback on Shore Dr. He states that they focused on having the maximum space available. He adds that if the decks were smaller there would still be setback issues. Mr. Petrin notes that he would like a larger area for the decks dues to safety factors when opening the doors and carrying items inside.

2. The use is not contrary to the spirit of the ordinance.
Mr. Petrin refers back to his prior comment and adds that the development is from the 1950's and are trying to meet the regulations as best possible.

3. Granting the variance would do substantial justice because:
Mr. Petrin refers back to his prior comment for lot size.

4. The proposed use would not diminish surrounding property values.
Mr. Petrin refers back to the comments for the request for lot size.

5. Literal enforcment of provisions of the ordinance would result in an unnecesary hardship because:
The special conditions of this property that distinguish it from other properties in the area are as follows:

Mr. Petrin refers back to the comments for the request for lot size and adds that these lots were made prior to the provision of 2 acres. He adds that the encroachments are not going to impinge on anyone and the setbacks are very hard to meet in this area.

Mr. Pollock makes a motion, second by Mr. Fowler, to grant the variance to Article IV; Section (B)(4)(b) for setbacks for an encroachment of 6.7', based on the fact that all 5 criteria have been met.

Roll Call Vote:
Mr. Fowler – in favor
Mr. Pollock – in favor
Mr. Lavigne – in favor
Mr. Pender – in favor
Motion passes unanimously; 4/0.

Variance to Article IV; Section (B)(1)(b)(2) – Type of Frontage-Private Road
Ms. Smith explains that the requirement they needed relief from is to upgrade road.

Mr. Fowler asks if there is an association for this development. Mr. Petrin replies that there is no homeowners association. He states that he would help maintain the property or compensate for the services.

Discussion ensues as to the driveway location. Mr. Petrin explains the proposed location of Ash Street and explains the size and location of the driveway.

5 Variance Criteria
1. Granting the variance would not be contrary to the public interest.
Mr. Petrin states that the road is a private road in a development from the 1950's. He states that the road is maintained and he will seek out the person(s) that handle the repairs. He notes that this development has better private roads than other areas of town.

2. The use is not contrary to the spirit of the ordinance.
Mr. Petrin states that the road was built prior to the town's ordinances. He adds that the entire development is made up of private roads. He states that there is 208' of frontage on Ash St. but it is not considered road frontage.

3. Granting the variance would do substantial justice because:
Mr. Petrin states that the road already has many year round homes on it and is maintained. He adds that he will do his part to assist with maintenance or provide funding for the road.

4. The proposed use would not diminish surrounding property values.
Mr. Petrin refers back to the prior comments for this question.

5. Literal enforcment of provisions of the ordinance would result in an unnecesary hardship because:
The special conditions of this property that distinguish it from other properties in the area are as follows:
Mr. Petrin refers back to prior comments and adds that the road has been there since the 50's and is currently maintained. He adds that the proposed use will not further degrade the road. He states that the building will not impose on the road and the driveway will be the same width onto the road.

Mr. Lavigne makes a motion, second by Mr. Pollock, to grant the variance to Article IV; Section (B)(1)(b)(2) for the type of frontage-Private Road, based on the fact that all 5 criteria have been met.

Roll Call Vote:
Mr. Fowler – in favor
Mr. Pollock – in favor
Mr. Lavigne – in favor
Mr. Pender – in favor
Motion passes unanimously; 4/0.

Article IV, Section (B)(1)(c)(1) - Length of Frontage
Ms. Smith states that the reasons for needing type of frontage is different than needing the length. She explains the purpose of frontage is to reduce over-crowding. She adds that the requirement is 150' and the Petrins do have more than that but are on a private road. She states that the applicant needs to explain why 200' of private road meets the spirit of 150' for the purpose and what frontage is intended to do in a neighborhood.

<u>5 Variance Criteria</u>
1. Granting the variance would not be contrary to the public interest.
Mr. Petrin refers to the previous variance specific to type of frontage.

2. The use is not contrary to the spirit of the ordinance.
Mr. Petrin refers to the previous variance specific to type of frontage.

3. Granting the variance would do substantial justice because:
Mr. Petrin refers to the previous variance specific to type of frontage.

4. The proposed use would not diminish surrounding property values.
Mr. Petrin refers back to the prior comments for this question.

5. Literal enforcment of provisions of the ordinance would result in an unnecesary hardship because:
The special conditions of this property that distinguish it from other properties in the area are as follows:
Mr. Petrin refers to the previous variance specific to type of frontage.

Mr. Fowler makes a motion, second by Mr. Pollock, to grant the variance for Article IV, Section (B)(1)(c)(1) for the length of frontage, based on the fact that all 5 criteria have been met.

Roll Call Vote:
Mr. Fowler – in favor
Mr. Pollock – in favor
Mr. Lavigne – in favor
Mr. Pender – in favor
Motion passes unanimously; 4/0.

Ms. Smith asks if the board would be willing to make a statement relative to the fact that the shed is not included in the variance granted on this parcel. Mr. Pender states that the board did not include the existing shed or fence in any of the approved variances for this property.

Mr. Fowler – in favor
Mr. Pollock – in favor
Mr. Lavigne – in favor
Mr. Pender – in favor

Updated plans to be provided.

Mr. Pollock states that this is an improvement for this area.

Other
Ms. Smith notes that she will be providing a proposal to increase the application fees. She explains that there are many times where these requests exceed the cost of the public notice as well as the staff time for the cases review.

Mr. Lavigne makes a motion, second by Mr. Pollock, to adjourn. Motion passes unanimously at 7:26 p.m.

Respectfully submitted,
Lisa Fellows-Weaver
Board Secretary

Official as of February 22, 2016