

**Town of Northwood
Zoning Board of Adjustment Meeting
April 24, 2023**

Cases heard at this meeting:

Case 23-06: Kenneth & Georgianne Elsen, 59 Lower Camp Road.

Case 23-05: Sharon & Michael Sirois, 8 Lufkin Drive.

Case 23-10: Ledgewood Realty Trust, David Docko, Trustee, 1090 First NH Turnpike. Map 211; Lots 2, 14, 15, 16, 17 and Map 27; Lot 34, 36.

Case 23-11: Vincent Ruggieri, 43 Pine Street. Map 122; Lot 74.

Vice Chair Sanderson called the meeting to order at 6:30 p.m.

PRESENT: Vice-Chair Pam Sanderson, Ted Wilkinson, Robin Guzofski, Maryelen Brown, (alternate), and Betsy Colburn (participating electronically).

Ms. Colburn's reason for not being at the meeting in person is medical.

VOTING DESIGNATION: Vice-Chair Pam Sanderson, Ted Wilkinson, Robin Guzofski, Maryelen Brown, and Betsy Colburn.

TOWN STAFF PRESENT:

Land Use Specialist Linda Smith, and Land Use Administrative Assistant Lisa Fellows-Weaver.

Election of Officers

This item was postponed to the end of the meeting.

MINUTES: March 27, 2023

On a motion made by Mr. Wilkinson, and seconded by Ms. Guzofski, the Board voted, by a roll call vote, to approve the minutes of March 27, 2023, as written.

Motion passed; 4/0/1. *Ms. Brown abstained as she was not a member of the Board at the meeting.*

Continued Case:

Continue from February 27, 2023.

Case 23-06: Kenneth & Georgianne Elsen, 59 Lower Camp Rd. Map 125; Lot 57.

Applicants are seeking relief for the demolition of a seasonal dwelling and construction of a new seasonal dwelling within the existing footprint; frontage on two private roads, on an undersized lot of .33 acres, where 2 acres is required:

- A Variance from Article IV.B(1) Type of Frontage. This lot is on a private road.
- A Variance from Article IV.B.(2)(b), lot size. (Granted 2/27/23)

Scott Frankiewicz, of NH Land Consultants, representative for the Applicants, previously emailed a requesting to continue the case to the May 22, 2023 meeting as the Applicant's will be meeting with the Selectboard on May 9 and would like to attend that prior to meeting with the ZBA again.

On a motion made by Mr. Wilkinson, and seconded by Ms. Brown, the Board voted unanimously, by a roll call vote, to grant the request to continue Case 23-06 to May 22, 2023.

Case 23-05: Sharon & Michael Sirois, 8 Lufkin Dr. Map 223; Lot 4. Applicants seek relief to allow for the construction of a new dwelling within the setbacks:

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- A Special Exception from Article VI.A(4)(a), structures within 20 ft. of a wetlands buffer/setback.
- A Variance from Article IV.B(4), structures within 10 feet of the setback, where 20 feet is required.

Members reviewed the additional materials, previously submitted, as requested at the February 23, meeting. Discussion confirmed the Applicant's request is to build a dwelling with decks and a garage.

Ms. Smith stated that it has come to light that the property is two lots of record; one lot, with no road access with the existing camp, and the other lot is the lot on the front. The Applicants have submitted a voluntary merger to the Planning Board to correct the issue. Should this Board approve any aspect of the application, the merger will need to be recorded at the Rockingham County Registry of Deeds.

Ms. Colburn asked if the merger should be approved prior to moving forward. Ms. Smith replied, it would not be necessary to wait as this Board would make an approval and record the condition of approval.

Vice-Chair Sanderson stated that it appears that the Applicants have not made any changes to the proposed building. Mr. Sirois stated that although they would like to have the garage, they have dropped the garage. He stated it is easier to see the footprint and the garage made it appear to be a much larger project than what it is.

Vice-Chair Sanderson stated, speaking for the Board, that they were looking for the proposal to be more conforming with the waterfrontage and wetlands. She stated that this is a conforming lot, with a non-conforming building. She explained that they are proposing a new structure, and the footprint is irrelevant; the area proposed to be built on with the garage is leaning more towards compliance. She asked if the Applicants were committed to the proposal or if there would be a way to have the living space they would like and the garage, as well as be more compliant and back farther from the water.

Mr. Sirois replied, yes. Ms. Sirois stated that one of the driving forces for the proposal is due to the location of the septic and septic tank which are not far from the existing building and the system is only 10 years old. She explained that relocating would create a hardship. They have not discussed reducing the size of the building as they feel the proposal is not that large; the existing structure is only one bedroom. Mr. Sirois noted that there will be one room of living space over the garage.

Mr. Sirois noted that the northwest corner is 12.5 feet from the edge of the wetland. He explained that the 10' x 20' deck on the front has previously been granted a variance. Vice-Chair Sanderson commented that the deck can remain with the existing building; however, when there is a new building, the deck is no longer included. Ms. Sirois stated that they would like the existing deck to be covered.

Ms. Smith explained that anything can remain but once there is a change then it is no longer in compliance with the regulations.

Mr. Sirois stated that they are requesting a special exception for the 12.5 feet as the existing deck can remain if it is not covered. He added that a covered deck was a part of the plan submitted with the shoreland permit and has been approved with no issues. Mr. Sirois stated that NHDES will allow for a deck to be covered but not

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enclosed; they are not trying to impact the area any more than it already is. He added the Conservation Commission also did not have any issue with the deck being covered. Ms. Smith stated that the zoning ordinance would supersede a shoreland permit.

Vice-Chair Sanderson referred to the side deck, which has a greater encroachment on the boundary. She noted the Applicants had mentioned not doing the side deck. Mr. Sirois stated that they would like to have the side deck and have proposed what they would like to do.

Vice-Chair Sanderson stated that a Special Exception is given when there is a non-conforming lot, and the proposed structures and other items can meet the zoning requirements. Ms. Smith explained that this is a Special Exception for the Conservation Overlay District; it is not a lot size issue. Vice-Chair Sanderson noted that this is a conforming lot.

Ms. Brown asked about lot size; lot size is not the issue. She asked if the proposal could be moved in order to meet the regulations. Ms. Smith stated that the setbacks are 20 feet.

Ms. Sirois explained the issues of the land include electrical and driveway easements, which limit the location options. With the existing locations of the well and septic, they would need to move it about 25-30 feet. If the spirit of the ordinance is to not disturb areas, moving the well and septic will disturb more of the area; nothing needs to be moved with this proposal. She added that they are unable to see their neighbors. They are trying to follow the rules and minimize impacts. She noted there is a neighbor with a similar size house. She stated that this is not an extravagant house with a block foundation. She also noted they need to be cognizant of the water table. She gave an overview of what their views are from the house and lake.

Ms. Smith stated that it is necessary for the board to have a clear understanding of what the request is from the applicant and if there are any changes needed for the building permit application.

Vice-Chair Sanderson noted that the request is to change the use from seasonal to year-round. Mr. Sirois replied yes and noted that they were not originally aware that the house was classified as only seasonal.

Vice-Chair Sanderson stated that the regulations require 20 feet from the water, property line, and the wetlands buffer. She referred to the February 27 proposal and commented that there appears to be some availability to shift the proposal that may reduce the impact to be more compliant with the 20 foot side setback and 19 feet to across the front; however, it would be a change in the design.

Ms. Sirois stated with that shift, the garage would be more towards the neighbor's lot.

Vice-Chair Sanderson stated that the new structure will become a year-round residence. She noted that they are already proposing relocating the driveway and working with the septic tank, and be farther away from well, 14.6 ft. away.

Mr. Sirois stated that if the side deck was removed, the gain would only be about nine inches to one foot more. He added that they have a conforming lot with frontage and acreage to proceed; however, asked if it negates them to have the building exactly where they want it.

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Vice-Chair Sanderson replied yes. She explained the proposal is changing the use to be a year-round residence, which classifies this as a new situation. She stated that the lot is in conformance and building a new building must be in conformance. In this case, there may be a need for a Special Exception for a new deck on the front; however, the building may be able to be shifted to be farther back.

Ms. Smith stated that the core issue is that if the Board sees a conforming lot where a structure can be placed and possibly not encroach in the setback; it makes it difficult for the Board to see how the applicants meet the required criteria for relief.

Vice-Chair Sanderson stated that if the Applicant were able to propose a building with a placement and design that would not encroach in the setbacks of the property lines and be farther back from the shoreline, they may not need to be before the ZBA.

Mr. Sirois explained that the proposal is designed in such a way that will not further impact anything going forward as the structure is already there. He added that there were no issues with the State of NH. He noted that they were directed by the former building inspector to start with the State first; any change in the plan will require a new permit as it would not be the design they approved.

Ms. Smith stated that this denial was determined by the Town's current building inspector for seasonal to year-round use. Prior discussions with a former building inspector would not be applicable to this denial.

Ms. Colburn stated that the Fire Chief had mentioned the road needing to be widened. Ms. Sirois commented that it is not a road, it is their driveway; there are four driveways in this area. She explained that this was 161 Harmony Road and was changed due to 911. She stated that the Town named the road when it is actually their driveway. Ms. Smith stated that the Chief may have thought it was a private road when it is actually a driveway; it is irrelevant.

Mr. Sirois asked if the Special Exception would not apply because they have a conforming lot. Discussion ensued regarding the setback encroachment. It was noted that the northeast corner of the existing camp is within the wetland setback, 12.5 feet. Mr. Sirois stated that they may indeed have the ability to relocate the structure; however, he calls that a hardship, which is why they have applied for the Special Exception, and added they are within that area already.

Vice-Chair Sanderson stated that they may have the opportunity to reduce the impact to the wetlands and be farther back from the wetlands.

Mr. Sirois stated that they could build in other areas of the lot at a higher cost, and with additional impacts; the proposal is the desired location of the structure. He stated that he is basically being told that the Special Exception process does not apply with their current situation utilizing the existing condition. He requested the Board proceed with the Special Exception before addressing the variance, he has the potential to lose the variance. Discussion ensued.

Vice-Chair Sanderson noted that there were no abutters present.

Mr. Sirois stated that he could move the proposed house location back by 13 feet and be within 20 feet of the wetland without moving the front deck. He stated they would have a double deck and it would still be in compliance. He added that they would still need the variance for 7 foot deck on the northwest side.

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Ms. Smith stated that various scenarios cannot be discussed for approval. The Board can only decide on what is presented to them. She stated that if the Applicant is considering different designs, she would recommend they ask for a continuance. She further explained that if the variance should be denied, the Board does not have to hear the case again. She stated that it does appear that the Board is well aware that this is a conforming lot with the potential for other location options for the house.

Mr. Sirois stated that without a Special Exception because the lot is large enough. Ms. Smith stated that there is a potential that both the Variance and Special Exception may not be required.

Mr. Sirois stated that they would continue to move forward with the Variance request.

Setbacks:

Criteria questions for a variance from Article IV.B, Section (4):

Mr. Sirois stated that the proposal is for the construction of a new home to replace the existing home. The new home is upgrading to a two-story, with a walkout basement. The northwest corner stairs are existing and within the 20 foot setback of the boundary. A 7 foot deck is also proposed to cover the stairs with the 20 foot setback from the boundary.

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

Mr. Sirois stated that the new home will be built in the same location and will be the same size as the existing home. The 7 foot deck will allow for the stairs to be covered.

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

Mr. Sirois stated that the existing home has been in place since the 1940's with no detrimental impact to the surrounding boundaries or wetlands. The 7 foot deck will not extend into the boundary setback as far as the existing well already does.

3. Granting the variance would do substantial justice because:

Mr. Sirois stated that the new home will be constructed to the current building codes resulting in significant improvements and living conditions. The current well and septic system are already in place and their leach field was installed in 2010. The property has driveway and powerline easements, and wetlands, which prohibit the house to be placed elsewhere. NHDES Shoreland Protection permit process has been completed and was approved.

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

Mr. Sirois stated that the new home will be brand new, built to current building codes, and a significant improvement over the existing home.

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:

Mr. Sirois stated that the lot is 3.75 acres with 450 feet of road frontage, 550 feet of lake frontage, with two powerline easements, three driveway easements, topography,

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wetlands, and septic system locations, all prohibiting any other placement options.

(A) Owing to the special conditions of the property, set forth above, that distinguishes it from other properties in the area:

(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. Sirois stated that the house has been in place since the 1940's. The 7 foot deck will not impede or infringe on abutter's use or boundary.

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

Mr. Sirois stated that the house has been in place since the 1940's. There will be no change in the existing location. The new home will use the same footprint and the same area resulting in no impact or disturbing any additional areas.

Mr. Wilkinson stated that he is not clear as to the uniqueness of the parcel and asked why this parcel is different and unique from any other property in town.

Mr. Sirois explained the placement of the existing house is 12½ feet off the wetland area and is 20 feet from the lake. The house is 22' x 36' and the northwest corner is very close to the wetlands. Mr. Wilkinson commented that the issue is the land not the house.

Ms. Sirois explained that there are number of items that encumber large portions of their land, there are the many easements including one with the electric co-op and driveways, as well as driveways that spur off to serve other properties and are land locked, the neighbor's septic system is on a portion of the land, and the location of the existing septic system. In addition, there is a portion of the land that is in the Ezri flood plain. She added there are many constraints on the land that a regular three acre lot would not have. The electric easement is 30 feet on either side for the transmission lines and nothing can be built under this area. She noted it would be a hardship and very costly to renegotiate the deeded easements. The easement runs along the road frontage and there are at least two telephone poles requiring access. She stated that the land in relation to the road cannot change.

Mr. Sirois added that they enjoy their location. Relocating the house would result in removing trees ending up with developing more of the lot, resulting in additional impacts.

Discussion ensued regarding the floodplain and elevations. Mr. Sirois noted that the elevation is above the 500 year floodplain. Vice-Chair Sanderson stated that the entire area is within the floodplain. Ms. Sirois stated that that is why their driveway is situated in its current location. Mr. Sirois stated they did review the historical LOMA's for Harvey Lake and the elevations were the same for the 100 and 500 year storms; 615.6.

With no further comment from the Applicant, and no abutters were present, Vice-Chair Sanderson closed the public comment time and opened Board deliberations.

Vice-Chair Sanderson stated that what is special about the lot is the size and the 450 feet of road frontage and 550 feet of lake frontage, the powerlines, and three driveways. She commented that she does not see a special condition, however, sees a

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special piece of land with room for a new structure to be built in far better compliance. There is an allowance with near feet to be in compliance.

Mr. Wilkinson stated that what they are applying for is to not be in compliance.

Mr. Wilkinson stated that there has been no evidence provided that is specific to the parcel that would justify granting the variance. The ordinances are in place to respect the wetlands and protect water. *The spirit of the ordinance has not been met.* The specifics to the proposed location for the new structure violates the setback to the water's edge.

Vice-Chair Sanderson stated that *the spirit of the ordinance is not observed* because the proposal is not in compliance with the 20 foot setback and from the shoreline and *directly contrary to the public interest* as the ordinances look to protect the wetland and shoreline. In addition, the variance goes with the land in perpetuity. *Granting the variance would not do substantial justice* by virtue of the conformity as it is obtainable; this plan does not have it, and the lot does not have special conditions to warrant non-conformity. It would not have any effect to surrounding property values. *It is contrary to the public interest and would not do substantial justice* to the lake and wetlands. The lot is a large lot and does have potential to be in compliance. **On a motion made by Mr. Wilkinson, and seconded by Ms. Brown, the Board voted unanimously, by a roll call vote, to deny the variance, based on the fact that the five criteria have not been met, determined by the lack of evidence provided by the testimony.**

Special Exception

Criteria questions for a special exception from Article VI.A, Section 4.

Mr. Sirois stated that the existing building has been in place since 1940. The proposed planned improvements use the same footprint, which results in no change to the existing location, no impact or disturbing any additional area. The existing lot/property and layout prohibit from positioning construction elsewhere. The proposed construction will improve/replace the existing building to meet current building codes and provide for a safer overall condition. The State of NH Shoreland Protection permit has been approved for this project. A copy has been provided within the application packet. The Special Exception is for the setbacks for the wetland and lake.

Vice-Chair Sanderson stated that this is in relation to the northeast corner of the existing building. Mr. Sirois stated it is for 19 feet, as the deck does not matter.

Vice-Chair Sanderson stated that if the conditions have been met, then the Special Exception must be granted. The plan provided is for the house to be placed within the 20 foot setback from the edge of the wetland, in the northeast corner, and that is next to the Wetland Conservation Overlay District.

Ms. Smith explained that if this Special Exception is granted and should the Applicant decide to move the structure, this would not apply. The Applicant would then need to re-apply. She stated that if there is any consideration that the location could change, the Applicant could request a continuance.

Mr. Sirois requested a continuance to the May 22, 2023 meeting.

Ms. Smith noted that the Applicant may need to meet with the Conservation

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Commission if plans should change.

On a motion made by Mr. Wilkinson, and seconded by Ms. Brown, the Board voted unanimously, by a roll call vote, to grant the request to continue to the May 22, 2023, meeting.

Vice-Chair Sanderson called for a recess at 7:56 p.m. Session resumed at 8:04 p.m.

New Cases:

Case 23-10: Ledgewood Realty Trust, David Docko, Trustee, 1090 First NH Turnpike. Map 211; Lots 2, 14, 15, 16, 17 and Map 27; Lot 34, 36. Applicant seeks a Special Exception from Article VI, E, to allow quarry excavation within the Peter Holden of Holden Engineering was present along with David Docko.

Vice-Chair Sanderson stated that a few years ago she and Mr. Wilkinson were on a site walk of this property. She stated the Board may want to do a site walk.

Ms. Smith stated that the quarry is a separate project from the existing retail site out front. She explained that Special Exceptions and Variances would typically expire per State Statute in two years once the site plan is signed off on; however, there is a period of time to execute where they would not need to come back.

Mr. Holden stated that the application is for a Special Exception for Steep Slopes. He explained that there were a number of variances obtained years ago from the ZBA. There has been a change in the legislation recently where variances were slated to expire if the work relative to the variance had not been started within two years of approval. Ms. Smith stated that all existing variances, two years or older, expired April 23, 2023. However, if there is a Planning Board approval pending, there is an additional six months after the expiration date for completion so it would not actually expire. He stated they were concerned and reapplied to this Board and were granted the variances. They did not have the Special Exception for the Steep Slope Overlay District and are now seeking that Special Exception.

Mr. Holden gave an overview of the land and the site noting the quarry's location. He stated they have obtained site plan approval, with a condition for an approved AOT permit, which was approved this week. A bond for reclamation was also required and will be submitted to cover the reclamation for the brook crossing, which has been properly permitted, as well as portions of the quarry that are under excavation. He stated that the purpose of the Special Exception is to ensure that erosion and damage to the wetlands or streams does not occur. He explained a Special Exception is required in order to do work in the Steep Slope Overlay District for land with a slope that is 20-25%, and land with a slope greater than 25%. He reviewed the colored plan provided, noting the green areas are areas with slopes between 20 and 25% and red areas are areas with slopes greater than 25%; it is steep. He explained the stump grinding process, which is used to suppress plant regeneration, and the restoration plan to restore the site back to the natural woodlands. In addition, Mr. Holden stated that they did meet with the Northwood Conservation Commission who voted unanimously to recommend their findings to the board for the Special Exception.

Mr. Wilkinson stated that the entire project is unique to the Town and has been ongoing; it is a large lot with a lot going on. He stated that the Applicant has been proactive with a willingness to work with the Town to be in compliance. He stated that

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he is impressed with the work they have been doing with reclamation and mining the area.

Vice-Chair Sanderson stated that the Board could discuss holding a site walk. The consensus was that it was not necessary.

Special Exception

Mr. Holden stated that the purpose is to allow a quarry excavation within areas of the Steep Slope Overlay District.

- (A) Impact to those areas of the Steep Slope Overlay District are necessary due to the wide spread location of them within the large undeveloped parcels. The quarry project would not be possible without impacting steep slopes.
- (B) Only areas of the Steep Slope District that are within the proposed quarry will be impacted.
- (C) Disturbed areas of the Steep Slope District will be stabilized dependent on whether bedrock or soils are found and will not adversely affect the adjacent steep slope areas.
- (D) A substantial erosion control plan has been prepared and will be approved by NHDES to control runoff and erosion during construction to protect adjacent properties and the wetlands.
- (E) Restoration of the entire quarry area will be done in accordance with best management practices and NHDES requirements as indicated in the plans approved by the Town and NHDES to insure the prevention of erosion and adverse stormwater runoff.

With no further comment from the Applicant, and no abutters were present, Vice-Chair Sanderson closed the public comment time and opened Board deliberations.

On a motion made by Vice-Chair Sanderson, and seconded by Ms. Colburn, the Board voted unanimously, by a roll call vote, to grant the Special Exception based on the fact that all criteria have been met as noted in the evidence and testimony provided, with the following facts and conditions as recommended by the Conservation Commission:

- 1. The pits will be reclaimed following excavation. Holden Engineering has filed a 50 page reclamation plan for the site.**
- 2. Stormwater runoff will be directed to grassed swales and a stormwater detention pond that has already been constructed.**
- 3. Vegetation in the 100-foot prime wetland buffer for high priority wetlands and in the those wetlands will remain in its natural state as specified in ordinance VI.A(6)(c) The only work in the 100 foot setback will occur in the previously proposed impact areas indicated on the site plan as “ D”, where the road will be built to Pit C and “E”, where the road connects Pit A and Pit B.**
- 4. A NHDES wetlands permit for the road crossings was issued in 2021 for the site.**

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- 5. An Alteration of Terrain permit will be issued and will have many conditions including inspection and reporting by an engineer every 5 years. A copy will be provided to the Conservation Commission and the Town of Northwood.**
- 6. BMP's for rock-blasting and erosion control will be followed.**
- 7. BMP's for timber harvesting will be followed.**
- 8. Stump grinding will not be performed. Stumps will be disposed of in a pile on site instead. This method is better for wildlife. Chips from stump grinding would tend to smother natural woodland vegetation regrowth.**
- 9. Docko will post a bond to ensure restoration of the site occurs regardless of the property owner.**
- 10. Voluntary Merger for lots 2, 14, 16, and 17, as previously offered by the Applicant, as noted on the ZBA's Notice of Decision dated January 30, 2023, be completed and recorded at the registry of deeds.**
- 11. All local, state, and federal permits be obtained.**

Case 23-11: Vincent Ruggieri, 43 Pine Street. Map 122; Lot 74. Applicant seeks relief to the following to allow a camper to be placed on a lot for a year-round, private campsite where permanent structures are not permitted:

- A variance from Article IV.B.(1)(b), Type of Frontage. This lot is on a private road.
- A variance from Article IV.B.(1)(c), Length of Frontage.
- A variance from Article IV.B.(2)(b), Lot Size.
- Article V.B.(5)(a)(7) No permanent structures.

Vincent Ruggieri was present.

Mr. Ruggieri stated that his proposal is to attach a three season porch to his RV allowing him more time to utilize the camper. He stated that he is not able to get a full six months of use due to the weather. He stated that the site will remain a campsite. He explained that the proposal will only be occupying an additional eight feet in the middle of the lot; the total usage is only 10% of the entire lot with the RV and porch together. He added that he is not able to purchase any additional land.

Vice-Chair Sanderson stated that this is the first application with the new ordinance. She stated that with the type of frontage for a private road, in order to build a permanent structure, the road needs to be upgraded. In addition, with length of frontage, 150 feet of frontage is required and there is only 50 feet. Lot size requirements are 2 acres, and the lot is 0.11 acres. The lot has a permit for a private camp site; however, there are restrictions due to permanent and accessory dwellings.

Mr. Wilkinson stated that this is a creative proposal, especially with limited housing.

Ms. Smith stated that the Board should consider this as a private campsite. She explained that if this lot had a residential structure, and it was not used as a campsite, an accessory structure would be allowed; a non-conforming lot can have an accessory structure but there must be something on the lot to make it an accessory to. The only thing on this lot is a camper and it comes under the private campsite permit.

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She added that when the camp site permit process was developed by the Planning Board and approved by the voters, the year prior, there was an existing permitted shed on this lot. The year prior to the adoption of the regulation, Mr. Ruggieri, under the previous regulation, had a permit granted from the Selectboard to use the site as a seasonal, private campsite. When the regulation went into effect, if there was a permanent structure then the use, with the permitted shed on it before, then he can apply for a private campsite. She stated that to her knowledge, Mr. Ruggieri was the only one that had that use. She stated that the shed is a preexisting structure. This is a request to add a new permanent structure.

Vice-Chair Sanderson stated that she noted other temporary storage items. Mr. Ruggieri explained that he will be adding a fencing system for his dogs. There are existing pallets that will be removed.

Ms. Smith explained that permanent structures were added to the regulation due to concern with accessory structures morphing into living quarters and into a large code enforcement matter.

It was noted that the application stated this would be for year-round use. Mr. Ruggieri stated that the proposal is seasonal only. He is trying to accommodate the regulations and ordinances and would only be using the site during the summer; his permanent residence is in Virginia. Ms. Smith stated that the camper can sit on the site but must be closed up.

A discussion was held regarding upgrading the roads in the area. Ms. Smith explained the Town's other village districts and how they fund road improvements. Mr. Ruggieri stated that there are funds collected for winter plowing; however, it is not a substantial amount for extensive road maintenance. Vice-Chair Sanderson stated that this type of funding does work for many communities.

Vice-Chair Sanderson read the department comments, as follows:

Fire Chief Tetreault stated the building is on a private road and the roadway should be upgraded, as necessary, to provide access for emergency vehicles.

Building and Code – Mr. Dinsmore indicated that the use would be very unique, however, if approved, it may open up a flood of people wanting to use permitted campsites all year round, which they would then attempt living year round on these small lots. This is a dangerous tipping point between a seasonal camping permit use, and a residential use.

Police Chief Drolet echoed the comments provided by Mr. Dinsmore and added this could be a very slippery slope.

A discussion ensued relative to the lack of housing available in the State of NH and the concerns of temporary/seasonal housing becoming permanent year round structures.

Criteria questions for a variance from Article IV.B, Section (1)(a):

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

Mr. Ruggieri stated that currently all roads in this neighborhood are private dirt roads, yet all of the roads, along with Pine Street, have dwellings, homes, cottages, manufactured homes and the like. He stated that he has joined a Pine Street owners'

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group and together they pay into a fund, managed by a resident of Pine Street, to provide maintenance and plowing for the entire road. Until the road can be upgraded to meet the Town's classifications, the owners want to maintain the road to the best of their ability with safety in mind.

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

Mr. Ruggieri stated that the actual use of the property would remain as a camp, the ordinance would be enforced because he has no intention to try to convert the camp in any way. The proposed porch would simply enhance the quality, safety, appearance, value, and use of the camp; it will always remain a seasonal camp.

3. Granting the variance would do substantial justice because:

Mr. Ruggieri stated that the property is the only camp on Pine Street, perhaps the only legitimate camp in the neighborhood. They love Northwood; however, are limited with regards to enhancing the camps ability to endure weather extremes. Enjoying the camp during heavy rainfall, fog, and periods of cold spells is significantly limited. He explained that he is a disabled Veteran whose injuries and symptoms are exacerbated by weather extremes. The enclosed porch would be insulated and air conditioned to allow time to spend the entire season in Northwood, greatly enhancing experiences as seasonal residents.

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

Mr. Ruggieri stated that the proposal would raise property values by adding to the beauty of the neighborhood. The proposed will be aesthetically pleasing in appearance. It would be built with proper permits and inspections, and built by a qualified licensed local professional using the best local materials. The Town would gain by increasing the assessed value of the property, bringing in additional property taxes as well as increasing the value and natural beauty of the neighborhood.

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:

Mr. Ruggieri stated that the property is surrounded by parcels owned by the Town or by neighbors; there is no opportunity to purchase additional land as it does not exist, nor a way to change the type of frontage. Currently, the type of frontage is out of their control. He stated that as an owner of land in the Town, he is all for enhancing the type of frontage in the neighborhood to meet the ordinance requirements.

B) 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: ties in the area:

Mr. Ruggieri stated that the type of frontage is not something they can control, nor can they conform to unless the Town budgets to enhance Pine Street to meet ordinance guidelines. He stated that his request is for a porch that will be attached to the RV; it will in no way change the lot from being a simple camp and in no way will it affect or be affected by the type of frontage.

**Town of Northwood
Zoning Board of Adjustment Meeting
April 24, 2023**

With no further comment from the Applicant, and no abutters present, Vice-Chair Sanderson closed the public comment time and opened Board deliberations.

Mr. Wilkinson stated that the lot does not have the required frontage for a permanent structure. He stated that this a creative way to enjoy the property.

A discussion was held relative to alternative materials and options for a structure that may be able to be disassembled or moved.

Ms. Smith suggested that Mr. Ruggieri may want to continue the case and meet with the building inspector for some clarification as to what would be allowed and considered to not be a permanent structure.

On a motion made by Ms. Guzofski, and seconded by Mr. Wilkinson, the Board voted unanimously, by a roll call vote, to continue the case to June 26, 2023.

INTERNAL BUSINESS:

Election of Officers

Chair: Ms. Sanderson was nominated for Chair.

On a motion made by Ms. Guzofski, and seconded by Ms. Brown, the Board voted, by roll call vote, to elect Ms. Sanderson as Chair. Motion passed; 4/0/1. Ms. Sanderson abstained.

Vice-Chair: Mr. Wilkinson was nominated for Vice-Chair.

On a motion made by Ms. Colburn, and seconded by Ms. Brown, the Board voted, by roll call vote, to elect Mr. Wilkinson, as Vice-Chair. Motion passed; 4/0/1. Mr. Wilkinson abstained.

Meeting Date Change

A discussion was held regarding changing the meeting nights. At this time, the Board agreed to not make any changes.

ADJOURNMENT

Motion to adjourn was made by Mr. Wilkinson, and seconded by Ms. Guzofski, and unanimously accepted, by a roll call vote, at 9:31 p.m.

Respectfully submitted,

Lisa Fellows-Weaver



Land Use Administrative Assistant