

**Town of Northwood**  
**Zoning Board of Adjustment Meeting**  
**August 22, 2022**  
**Draft**

1 *Cases heard at this meeting:*

2 Case 22-15: Jean Pinard

3 Case 22-14: John Guill

4

5 **6:30 Call to Order**

6 **PRESENT:** Vice Chair Pam Sanderson, Ted Wilkinson, Steven Kasonovich, Ginger Dole  
7 (alternate), Robin Guzofski (alternate), and Betsy Colburn. (Participating electronically)

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

9 **VOTING DESIGNATION:** Vice Chair Pam Sanderson, Steve Kasonovich, Ted  
10 Wilkinson, Ginger Dole, and Betsy Colburn.

11 **TOWN STAFF PRESENT:**

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

13 **MINUTES: July 25, 2022**

14 Mr. Wilkinson made a motion, seconded by Mr. Kasonovich, to approve the minutes of  
15 July 25, 2022, as amended, with edits that do not alter the content of the meeting.  
16 Motion carried; 5/0.

17 A discussion was held regarding the amended agenda; case numbers do not reflect a  
18 change. Ms. Smith stated that she emailed the revised agenda to members August  
19 18<sup>th</sup>. Ms. Colburn stated she did not receive the email. Ms. Smith explained that the  
20 agenda change was only reversing the order of the cases. She stated that Case 22-15  
21 was submitted earlier than 22-14 and has been before the board previously. In  
22 addition, she added that she believes Mr. Pinard's application would not take as long  
23 as the other case due to the number of requests being applied for.

24 Mr. Wilkinson stated that the change is a minimal change, and it is simply reversing  
25 the order of the cases. He added that the Board is familiar with the Pinard project, and  
26 it is good common sense to hear that case first. Mr. Kasonovich agreed.

27 Ms. Colburn stated that she was not opposed to the change.

28 Ms. Dole agreed to move forward with the amended agenda.

29

30 **NEW CASES:**

31 Case 22-15: Jean Pinard, 26 Newman Drive, Map 125 Lot 14. Applicant placed a  
32 carport within the wetland setback and is requesting the following after the fact relief:

- 33
  - A variance from Article VI Section A(4), wetland setbacks.

34 Vice-Chair Sanderson noted that the lot size was not approved. Mr. Pinard replied that  
35 the original application was for the lot size. Vice Chair Sanderson replied that the  
36 application was withdrawn before the lot size was addressed. This will be reviewed  
37 from the minutes

38 Vice-Chair Sanderson referenced a letter from the Northwood Conservation  
39 Commission (NCC) minutes from November 5, 2021, along with the meeting minutes

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1 and the Zoning Board of Adjustment minutes from October 25, 2021, November 8,  
2 2021, and January 24, 2022. Vice-Chair Sanderson added that these materials are a  
3 part of the prior application; however, should be referenced for this case. She noted  
4 that there are also new members on the Board.

5 Ms. Smith stated that the applicant has returned to the Board due to the fact that  
6 there was a non-conforming structure on the property; and although it could have  
7 remained on the lot, it was removed. The applicant presented the prior case to add a  
8 garage; this is a carport, a new structure, within the setback.

9 Ms. Colburn stated that there are now two new issues; nothing is showing on the  
10 current property card that anything was previously approved.

11 Mr. Wilkinson stated that the prior application was more extensive; however, he would  
12 like to hear from the CC. He added that he feels this is a new application.

13 Vice-Chair Sanderson agreed and added that there is an encroachment into the  
14 wetlands. She did visit the site and noted the footings were placed differently than the  
15 proposed structure. She questioned whether the dimensions are accurate as the  
16 proposed carport is shown to be at a different angle than the garage.

17 Mr. Pinard explained that the prior application was different.

18 Ms. Smith stated that she did speak with the building inspector. It was understood  
19 that the carport would be placed in the exact same location. Mr. Pinard replied that  
20 the carport is in the same location as it was previously, and the provided drawing is  
21 exact.

22 Ms. Colburn commented that this is a brand-new application as there was no proof of  
23 a prior approval. Mr. Pinard responded, it was approved as the plot plan had the  
24 carport and it was denied. He noted that the rods are in the same spot in the asphalt  
25 of the driveway.

26 It was noted that the frontage and road type was granted by the ZBA on October 25,  
27 2021.

28 The prior application was reviewed from January 2022. Comments from the fire  
29 department and CC were noted relative to the encroachment.

30 Ms. Dole clarified that the request is to replace the carport in the same position that it  
31 was in, and this is due to the fact that a dead tree needed to be removed. Had there  
32 not been the dead tree, the carport would not have been removed and there would be  
33 no need for a variance.

34 Ms. Colburn suggested continuing the case to next month for more information and  
35 clarification.

36 The Notice of Decision, dated January 24, 2022, was reviewed. The decision noted the  
37 .29-acre lot size and road frontage on a private road. It was deemed a development on  
38 a prior signed subdivision plan and did not require an appeal to RSA 674:41. Ms.  
39 Colburn stated that it is a private road that is not maintained.

40 Discussion ensued regarding the denial of the building permit and the timeline of the  
41 activity. Ms. Smith stated that building permit #21, dated May 28, 2004, from the

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1 prior owner Leo Prichet, was approved and signed by Inspector Donald Gardner. The  
2 permit also had notations relative to the installation and inspection.

3 Mr. Wilkinson stated that this a different application; therefore, he would like a new  
4 opinion from the CC relative to the wetland setback. This application has a different  
5 focus, and the location of the carport is different; there is still an encroachment.

6 Mr. Pinard responded that the carport will not affect anything as it is over the asphalt.

7 Mr. Wilkinson replied that there is a steep slope, and it is appropriate for the Board to  
8 request a review from the Conservation Commission.

9 Ms. Colburn agreed and added that since it is a new application the Commission  
10 should be involved.

11 Ms. Smith stated that that is up to this Board. She explained that the applicant could  
12 either apply for a variance or for a special exception; he chose a variance and has  
13 provided the pertinent information for that. She added that it is the Board's purview to  
14 request additional information. There is a requirement for a special exception to go to  
15 the CC; however, a report from the Conservation Commission is not a requirement for  
16 a variance.

17 Ms. Colburn stated that the letter from the fire chief should be submitted.

18 Ms. Smith explained that the letter was requested for the garage; this is for a carport  
19 that was there previously and is proposed to be in the same location. She added that  
20 she did speak with the fire chief and the building inspector and neither had any  
21 concerns.

22 Ms. Colburn added that the Board could add a condition that the carport should never  
23 be enclosed.

24 Vice-Chair Sanderson asked if there was a copy of the letter and Ms. Smith stated that  
25 the Commission did look at the application for the garage; this is different.

26 Mr. Kasonovich stated that Mr. Pinard applied for a permit that was denied by the  
27 building department. He asked if it was especially for the carport for the same  
28 application or to take it down and put it back up.

29 Mr. Pinard replied neither; it was for a remodel of the house to include the exterior  
30 and interior. No construction has been started. He submitted the carport application  
31 then started to put it back in place. He was not aware that there would be any issue  
32 since it was taken down to remove the tree. He stated that the permit was denied  
33 because the carport was reinstalled; it is a new structure although it is 18 years old.

34 Ms. Dole asked if the applicant would need to go back to the Conservation  
35 Commission since this proposal is not a garage. She noted that it would not have as  
36 much runoff as a garage and would have the same runoff as the prior carport did.

37 Mr. Pinard stated that any runoff from the driveway goes through the carport and any  
38 runoff from the roof would flow to the side and into the yard, which is mitigated.

39 Ms. Colburn commented that this Board is not the CC and should get comments from  
40 the CC.

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1 Vice-Chair Sanderson stated that the roof drip line management should be in  
2 compliance with NHDES. She mentioned that there is some disconnected PVC around  
3 the roof line and there is also diminishment of the roof, and she added that there have  
4 been no improvements to the house. She stated that the carport roof line with alter the  
5 runoff into the leach field as well as runoff flowing into the down slope.

6 Mr. Pinard stated that he has been approved by NHDES. He described the roof drip  
7 line management as a rock drainage system that is 2 ft wide and 1 ft deep, which will  
8 be along the drip line of the carport. This will absorb water along the stream side,  
9 which was the approved plan for the garage. Currently it is 9.3 inches.

10 Vice-Chair Sanderson stated that this information should be presented on the plot  
11 plan and included with the NHDES permit for the Board since the applicant is  
12 referencing it. Ms. Smith stated that this would still be required and could be a  
13 conditional requirement.

14 Mr. Wilkinson reiterated his request to have input from the Conservation Commission.  
15 This application is for a different sized structure which will have different run off, and  
16 it is a concern because it is encroaching into a designated setback. Ms. Colburn  
17 agreed.

18 Ms. Dole commented that she doesn't see the need for the delay.

19 Vice-Chair Sanderson stated that the more information available may help for  
20 clarification and assist the Board in making a decision.

21 Mr. Kasonovich stated that he agreed with Ms. Dole.

22 Ms. Smith explained that Mr. Pinard had a carport on a paved driveway. He applied for  
23 a building permit for a garage. He removed the carport to remove a tree. He applied for  
24 a variance and came before the ZBA and was not approved and withdrew his  
25 application. The carport was in the process to be put up again and the Building  
26 Inspector told him it needed a permit. She stated that she did contact Town Counsel  
27 and stated that it does not matter what the plan was as there is a need for a new  
28 permit and application with the building department; the applicant understood the  
29 need for the new permit. She stated that this application is based on the new carport,  
30 only. State Shoreland Permits have certain criteria that must be met and either a  
31 garage or carport will need to meet those requirements. Mr. Pinard indicated that the  
32 State does not have any issues the carport.

33 Vice Chair Sanderson stated that the history has been presented. A variance was  
34 withdrawn by the applicant for the setbacks for the garage. The Conservation  
35 Commission's input was valued. A variance for lot size occurred without the garage  
36 and was only for the proposed porches. She stated that the input from the CC should  
37 be obtained again.

38 Ms. Dole asked the size of the carport and the proposed garage. Mr. Pinard stated that  
39 carport is half the size of the garage; 12x20 vs. 22x26 and the carport is not  
40 encroaching as far to the wetlands as the garage would have.

41 Vice Chair Sanderson commented that the garage was encroaching less. The carport is  
42 not in the corner. She requested the prior garage proposal information.

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1 Ms. Smith stated that this is a new proposal and should be reviewed on its own merit.

2 On a motion made by Ms. Colburn, and seconded by Mr. Wilkinson, the Board voted  
3 by roll call vote to request input from the Conservation Commission relative to the  
4 carport encroachment:

5 Ms. Dole – opposed

6 Ms. Colburn – in favor

7 Mr. Wilkinson – in favor

8 Mr. Kasanovich – in favor

9 Vice Chair Sanderson – in favor.

10 Vice Chair Sanderson stated that the Commission should provide comments relative  
11 to the wetland encroachment on the downstream into Lucas Pond, the roof drip line  
12 management should be on the NHDES permit of the 2 ft x 1 ft deep rock and provide  
13 comments on the new dimensions of the carport including the width of the carport to  
14 the wetland, which is now closer than the proposed garage.

15 Ms. Smith stated that the two should not be compared as this is a new proposal.

16 Mr. Wilkinson made a motion, seconded by Ms. Colburn, to continue Case 22-15 to  
17 September 26, 2022.

18 Vice Chair Sanderson noted the new law changing tomorrow with a 90-completion  
19 time frame. This case will still be under the prior law and the Board can proceed to the  
20 next meeting. Members requested their information be available on or before  
21 September 15.

22 Mr. Wilkinson stated that he is concerned with the encroachment as it is right on  
23 Lucas Pond. He noted that the area is unique, and the application has changed as it is  
24 a new proposal with a different size and location. He added that the delay will allow for  
25 a more simplified process.

26 Vice Chair Sanderson stated that there has recently been a culvert replaced. Mr.  
27 Pinard stated that he did see that there has been some work done.

28 Ms. Smith stated that there is nothing from the prior application relevant. She added  
29 that she will have the shoreland application available.

30 The motion passed by a roll call vote as follows:

31 Ms. Dole – opposed

32 Ms. Colburn – in favor

33 Mr. Wilkinson – in favor

34 Mr. Kasanovich – in favor

35 Vice Chair Sanderson – in favor.

36 Any communications from the Conservation Commission will be provided to Mr.  
37 Pinard along with the CC agenda.

38 Case 22-14: John Guill, 18 Brown Road, Map 119 Lot 24. Applicant is proposing to  
39 replace the existing seasonal residential structure with a new seasonal residential  
40 structure and requests the following relief:

- 41
- A variance from Article IV. B (1) Section (c) [1], Road Frontage. This lot has

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1           100.18 feet of frontage where 150 feet are required.

- 2           • A variance from Article IV.B (1) Section (b)[2], Type of Frontage. This lot is on a  
3           private road.
- 4           • A variance from Article IV.A Section IV.B (2) Lot Size. Lot has .36 acres, where 2  
5           acres are required.
- 6           • A variance from Article IV.B Section 4 Setbacks. 20-foot setback from the  
7           property line is required, proposed structure is 16.5 feet from property line.

8           John and Rachel Guill represented the application.

9           Mr. Guill provided an overview of the property and the proposal. He explained that  
10           there is an existing, 1,553 sq. ft. “L” shaped structure on the property that is seasonal.  
11           They are proposing a new two-story 1,260 sq. ft. structure, which will reduce the  
12           footprint by 300 sq ft. and will reduce the impervious surface from 32% to 26.9%  
13           allowing 32% more green space. In addition, a state approved septic system will be  
14           installed. The structure is a two-story modular, 17½’ x 45’ that is installed in four  
15           sections over two days. He added that the residence is on a dead-end road. Mr. Guill  
16           stated that the circle is being removed and they are planning to do all underground  
17           utilities, if possible. The house will have a cellar.

18           Mr. Wilkinson asked about the maintenance on the road. Mr. Guill stated that the  
19           road is maintained by a neighbor who lives there year-round.

20           Mr. Kasanovich asked about the odd shape of the back of the garage. Mr. Guill replied  
21           that when they purchased the home, the survey noted a portion of the existing garage  
22           was encroaching into the neighbors’ yard; that portion was then removed.

23           Vice Chair Sanderson confirmed that the house is seasonal, and the road is  
24           maintained year-round. She noted that there is a circle in the middle of the driveway.  
25           She added that the proposal will be an improvement of the as the new house will be  
26           further back by 6½’. She noted the location of the wellhead, which may affect other  
27           options for the placement of the house.

28           Mr. & Mrs. Brett Rand, abutters, were present. Mr. Rand commented that they have  
29           been neighbors of the Guills for 19 years. The Guills are an asset to the neighborhood,  
30           and they do not have any issues with the proposal; it will be beautiful and an asset to  
31           the neighborhood. They both look forward to the new house. He noted that their  
32           residence is also seasonal, and they check on the property a few times throughout the  
33           winter months.

34           Mr. Wilkinson commented that the answers for the four variances will be similar. He  
35           suggested that it would be efficient for the Board to have the applicants address all  
36           items at the same time. Ms. Smith cautioned the Board and stated that each variance  
37           is different and has a different purpose in the zoning ordinance.

38           The Board agreed to address each variance separate.

39           **Road Frontage:**

40           *Criteria questions for a variance from Article IV.B(1) Section (c)(1):*

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

2 Ms. Guill stated that the property does not meet the standards as it is a private road;  
3 however, there are no issues with access to the property. The access is via a dirt road.  
4 In addition, the property is bordered by the lake and because of that, there are no  
5 other options for expansion.

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

7 Mr. Guill stated that the non-conforming status limits the quality and size of the  
8 building allowed, and also would not allow for green space improvements for  
9 controlling water runoff.

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

11 Mr. Guill stated that granting the variance would lessen the current footprint. They  
12 will be adding more pervious landscaping, which will help prevent water runoff, and  
13 more open space along with a new septic system.

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

15 Mr. Guill stated that the new home will enhance the neighborhood and allow for more  
16 green space. The new house will not obstruct views. There will be no removal of any  
17 trees.

18 **5. Literal enforcement of the provisions of the ordinance would result in an**  
19 **unnecessary hardship because: The “special conditions “of this property that**  
20 **distinguish it from other properties in the area are as follows:**

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

23 **(i) No fair and substantial relationship exists between the general 2 public**  
24 **purposes of the ordinance and the specific application 3 of that provision to the**  
25 **property because:**

26 **(ii) The proposed use would be a reasonable one because:**

27 Ms. Guill stated that the new home will be a reduced footprint with an overall increase  
28 to the setbacks from 6 feet to 16 feet from the abutters to the west. There will be no  
29 change of driveway. The proposal will improve the current driveway situation and  
30 access to the house.

31 With no further comment from the applicants or abutters, Vice Chair Sanderson  
32 closed the public hearing and opened Board deliberations.

33 **Mr. Wilkinson made a motion, seconded by Ms. Dole, to grant the variance from**  
34 **Article IV.B(1), Section (c)(1) for Road Frontage.**

35 Mr. Wilkinson stated that the criteria has been met based on the testimony and  
36 evidence provided. The lot is an established, undersized, lot with design constraints.  
37 The proposal is reducing the footprint thus making the non-conformity less  
38 conforming. The proposal also improves the area with a new septic. There is no  
39 diminution to the property. Substantial justice will be done when the project is  
40 completed. There is substantial ability for turnarounds by emergency vehicles. The

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1 proposal is not contrary to the public interest and the setback is now only one-third  
2 percent and that is tolerable; it is over 50%. The property is accessible as the road is  
3 maintained year-round.

4 Motion passed unanimously with a roll call vote; 5/0.

5 **Type of Frontage:**

6 *Criteria questions for a variance from Article IV.B(1) Section (b)(2):*

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

8 Ms. Guill stated that the road is currently maintained by neighbors who live there  
9 year-round. They also have a plow to maintain the short distance of their driveway to  
10 their own house. The road is well sanded, in fact, the area has been complimented as  
11 the best maintained road on the lake.

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

13 Ms. Guill stated that emergency vehicles have previously been down the road. A  
14 survey has been completed by the construction company and they did not have any  
15 concern with access.

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

17 Mr. Guill stated that granting the variance would lessen the current footprint and  
18 increase the open space and landscaping from 32% to 26.9%. He also noted there will  
19 be a new septic system.

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

21 Ms. Guill stated that the abutter has indicated that the proposal will be an  
22 improvement in the neighborhood.

23 **5. Literal enforcement of the provisions of the ordinance would result in an**  
24 **unnecessary hardship because: The “special conditions “of this property that**  
25 **distinguish it from other properties in the area are as follows:**

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

28 Ms. Guill stated that the property is located at the end of a dead-end road. The  
29 property abuts the lake. The access is limited to the general traffic only.

30 **(i) No fair and substantial relationship exists between the general 2 public**  
31 **purposes of the ordinance and the specific application 3 of that provision to the**  
32 **property because:**

33 **(ii) The proposed use would be a reasonable one because:**

34 Ms. Guill stated that the use is reasonable because the footprint of the new house is  
35 reduced and being a new home, it will meet all of the current codes.

36 With no further comment from the applicants or abutters, Vice Chair Sanderson  
37 closed the public hearing and opened Board deliberations.

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1 **Mr. Wilkinson made a motion, seconded by Ms. Colburn, to grant the variance**  
2 **from Article IV.B(1), Section (b)(2) for Type of Frontage.**

3 Mr. Wilkinson stated that this is in fact a dead-end road with a serviceable  
4 turnaround that has been accessed previously by emergency vehicles. The  
5 construction company has looked at the property to verify they can access the  
6 property and get the modular down the road. This is an existing property, and the  
7 road is well maintained.

8 Motion passed unanimously with a roll call vote; 5/0.

9 **Lot Size:**

10 *Criteria questions for a variance from Article IV.A, Section IV.B(2):*

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

12 Mr. Guill stated that the front of the property is wooded. There are no houses behind  
13 them. The existing house is 1,553 sf and the proposed house is a reduction of 295 sf.  
14 In addition, they are reducing the impervious surface and removing patios and  
15 walkways. Ms. Guill stated that the new construction is in compliance with all new  
16 codes. She added the that new house will remain seasonal.

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

18 Mr. Guill stated that they are reducing the size of the dwelling. The new house will be  
19 in compliance with all new codes. There is longevity with a new home. He added that  
20 the new home and additional improvements will add values to the area and  
21 surrounding homes.

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

23 Ms. Guill stated the new house will be an increase in the setbacks from 6 feet to 16.5  
24 feet.

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

26 Mr. Guill added that the new house will enhance the neighborhood and add more  
27 green space. There will also be a new septic system added.

28 **5. Literal enforcement of the provisions of the ordinance would result in an**  
29 **unnecessary hardship because: The “special conditions “of this property that**  
30 **distinguish it from other properties in the area are as follows:**

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

33 **(i) No fair and substantial relationship exists between the general 2 public**  
34 **purposes of the ordinance and the specific application 3 of that provision to the**  
35 **property because:**

36 **(ii) The proposed use would be a reasonable one because:**

37 Mr. Guill stated that the property is at the end of a dead-end road, with limited access  
38 to the residents that reside on the road, which is only three families. He noted that one  
39 abutter is present and supports the proposal.

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1 Ms. Guill stated that the property has ledge and there is a well-head on the southern  
2 corner of the property. This location is the only reasonable location due to these  
3 factors. Mr. Guill added that the proposal is a reasonable use because it lessens the  
4 footprint, and the distance to the waterfront will remain the same. The new home will  
5 be in compliance to new codes and add additional green space and water mitigation.

6 With no further comment from the applicants or abutters, Vice Chair Sanderson  
7 closed the public hearing and opened Board deliberations.

8 **Ms. Sanderson made a motion, seconded by Mr. Wilkinson, to grant the variance**  
9 **from Article IV.A, Section (IV.B(2) for Lot Size.**

10 Vice Chair Sanderson stated that the use is not contrary due to the fact that the new  
11 proposal is overall less square footage and an increase in permeability. She added that  
12 the new home will be better within the community. Substantial justice is done as the  
13 proposal increases the permeability and there will be a new septic system. Overall, the  
14 proposal will enhance the neighborhood as it is adding more green space. With the  
15 proposed on the lot, this is a reasonable use as it is actually better than the existing  
16 structure, meet all the current codes, and be more energy efficient.

17 Vice Chair Sanderson provided a brief overview of the new law going in to affect  
18 tomorrow. She stated that there are multiple facets but with the ZBA and Planning  
19 Board, these findings of fact must be fact based and clearly stated.

20 Motion passed unanimously with a roll call vote; 5/0.

21 **Setbacks:**

22 *Criteria questions for a variance from Article IV.B, Section 4:*

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

24 Ms. Guill stated that the new construction will increase the setbacks from 6.5 feet to  
25 16.5 feet and overall will be a total reduction of square footage and the reduction of  
26 impervious space.

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

28 Ms. Guill stated that new house footprint will be reduced and the improvements to the  
29 property will help with the watershed and neighboring house values.

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

31 Ms. Gull stated that the setback will be increased from 6.5 feet to 16.5 feet.

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

33 Ms. Guill explained that the new home will enhance the area and the new structure  
34 will allow for more green space and be an overall reduction of the original footprint.

35 **5. Literal enforcement of the provisions of the ordinance would result in an**  
36 **unnecessary hardship because: The “special conditions “of this property that**  
37 **distinguish it from other properties in the area are as follows:**

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

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1 **(i) No fair and substantial relationship exists between the general 2 public**  
2 **purposes of the ordinance and the specific application 3 of that provision to the**  
3 **property because:**

4 **(ii) The proposed use would be a reasonable one because:**

5 Ms. Guill stated that the property consists of ledge and there are no other suitable  
6 location options. Mr. Guill added that there is also a wellhead, which adds to the  
7 constraints of the land. With the reduced footprint there is an increase in the  
8 setbacks. The distance to the lake will remain. He noted that they are replacing the  
9 septic system as well.

10 With no further comment from the applicants or abutters, Vice Chair Sanderson  
11 closed the public hearing and opened Board deliberations.

12 **Ms. Sanderson made a motion, seconded by Ms. Colburn, to grant the variance**  
13 **from Article IV.B, Section 4 for Setbacks.**

14 Vice Chair Sanderson stated that the proposal actually is improving the setbacks from  
15 6.5 feet to 16.5 feet due to the reduced footprint. Also, the new septic system is an  
16 improvement along the lakefront. Substantial justice is being upheld as the property  
17 consists of ledge and there is a wellhead. The reduction of the footprint will pull the  
18 property line back by 10 feet as well. The proposal will not diminish the property  
19 values as the new structure will enhance the neighborhood. There is also a new septic  
20 system as well as an improvement in the driveway as previously noted in other  
21 discussions. She noted that the lot is distinguished by being small in size, but works  
22 and the proposed location is due to the ledge and wellhead.

23 **Motion passed unanimously with a roll call vote; 5/0.**

24 Additional discussion was held regarding the timing of issuing the permits. Ms. Smith  
25 explained that the once the permit is issued, there is a one-year timeframe to begin  
26 substantial construction. This permit can be renewed; however, with fees assessed.  
27 She added that the variance is good for two years.

28 Mr. Guill noted that they have received NHDES approval, which is good for three  
29 years. He requested that the permit be held as long as possible to allow for ample time  
30 to begin the overall process.

31 Ms. Smith explained the 30-day appeal process.

32

33 **INTERNAL BUSINESS**

34 ***Review/discussion of HB 1661***

35 Although some discussion of HB 1661 occurred during the deliberations, additional  
36 discussion was held regarding the new laws and criteria changes. The Board  
37 discussed how to address the new criteria and will comment specifically to each  
38 criteria to show that the decisions are fact based. In addition, the Board was made  
39 aware of the recent HB presentations available and the tests that can be taken,  
40 although not mandatory.

41 ***Next Meeting:***

**Town of Northwood  
Zoning Board of Adjustment Meeting  
August 22, 2022  
Draft**

1 September 26, 2022

2

3 **CORRESPONDENCE**

4 Copies will be made of the HB 1661 power point for members.

5

6 **ADJOURNMENT**

7 Motion to adjourn was unanimously accepted at 8:40 p.m.

8

9 *Respectfully submitted,*

10 Lisa Fellows-Weaver

11 Land Use Assistant, Pro tem

12

13

DRAFT