

**Town of Northwood  
Zoning Board of Adjustment Meeting  
September 25, 2017**

Mr. Fowler calls the meeting to order at 6:30 p.m.

**PRESENT:** Matt Fowler, Roger Belanger, Brenda DiMatteo, Ruth Vultaggio, Babette Morrill, and Pam Sanderson.

**TOWN STAFF PRESENT:**

Board Administrator Linda Smith and Land Use Secretary Susan Austin.

**VOTING DESIGNATION:** Matt Fowler, Brenda DiMatteo, Ruth Vultaggio, Babette Morrill, and Pam Sanderson.

**Minutes**

**Ms. Sanderson made a motion to approve the minutes of August 28, 2017. Ms. Morrill seconded. Motion carried 5/0.**

**CASE 17-17: Granite Street Properties, LLC Map 108 Lot 102. 1520 First NH Turnpike. Applicant proposes to construct a roadway and is requesting the following:**

Applicant proposes to construct a roadway which will impact 5,420 square feet of slopes between 20-25% and is requesting a special exception as specified in the zoning ordinance Article VI Section E (2.)

Applicant is proposing to construct a roadway which will impact 6,065 square feet of wetlands and is requesting a special exception as specified in the zoning ordinance Article VI Section A (4).

Mr. Fowler stated that Case 17-17 could be heard tonight, but he wanted the applicants to understand that since two board members had to recuse themselves, there would only be three voting members left to hear the case. That meant that it would have to be a unanimous vote either for or against. The applicant stated that he understood and would like to postpone until they had more members present.

**Ms. Morrill made a motion to continue case 17-17 until the October 23<sup>rd</sup> meeting. Ms. Sanderson seconded. Motion carried 5/0.**

**CASE 17-16: John Kane, 18 Shore Road, Map 122 Lots 45,46 & 77. Applicant seeks appeal to RSA 674:41** to remove existing mobile home and additions and replace with new home. Property is located on a private road that does not meet the requirements in the statute.

Mr. Fowler stated that they had approved his application for variances; however, the Board of Selectmen had denied it when it was presented to them for building permit under RSA 674:41. He adds that the Zoning Board will decide whether to affirm or overturn their decision. Mr. Fowler stated that there was no requirement in protocol for Mr. Kane to speak, but the board would allow him to speak to explain what he was trying to appeal.

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Mr. Kane stated that from what he understood, he was denied because there was no snowplowing, no road maintenance and Shore Drive was overgrown. There is a maintenance agreement filed in the court for snowplowing and maintenance. He stated that he does the maintenance himself. He stated that he owns his own tractor and his own dry box. He just paid \$350 to put a load of gravel in the road. He presented the board with road maintenance documents and pictures of his Peterbilt truck in his driveway along with pictures showing that the road was not overgrown. Mr. Kane stated that the recorded agreement only went as far as the person's house who recorded the agreement, but they do cover the entire area.

Mr. Fowler asked if that information was provided to the Board of Selectmen. Mr. Kane stated that they had discussed it at the Zoning Board meeting, but he wasn't aware if the information had made it to the Board of Selectmen. Mr. Fowler stated that he didn't remember seeing it. Mr. Kane stated that he had mentioned it at the first public hearing but only just received the documents the other day. Mr. Belanger asked if the agreement was for more than plowing, that it was also road maintenance and grading. Mr. Kane stated that yes, it was for all. Mr. Kane stated that there was also a yearly fee for the residents, that everyone puts in \$100 a year and if they needed more money than they would ask for more. He stated that this year they were doing drainage and would be requesting more money from the residents. Mr. Belanger asked Mr. Kane if he had ever received a copy of the Fire Department and the Police Department recommendations for road standards. Mr. Kane stated that he had not or knew that he was supposed to. Mr. Kane stated that both departments had been in and out of that road on many occasions and they have never had a problem turning around or anything else. Ms. Smith stated that the Planning Board did request a memo relative to their portion of the review and comment that they send to the Board of Selectmen. They received comments from the Fire Department and the Fire Chief relative to turning radiuses. That was not part of Mr. Kane's application. His application was prior to that information coming to the Board of Selectmen. However, that is something that if any applicant wanted to provide any information as part of their packet, they can certainly do that on their own. Ms. DiMatteo stated that she didn't see Mr. Kane's name on the paper (maintenance agreement) that was on file with the registry, is he actually a party to this agreement? Mr. Kane stated that his name appears on the back page that has the list of homeowners. Ms. DiMatteo stated that the list he was referring to didn't look like it was part of the original document. Mr. Kane stated that it wasn't, the gentleman only did it to his house from the beginning of Harvey Lake Road down to Pine Street. He stated that the Harvey Lake maintenance fund has been in existence for over ten years. He stated that his wife and neighbors were founders of the fund. Ms. DiMatteo stated that she was hoping to make a direct connection to him and document at the registry. Mr. Kane stated that everyone who is listed on the first page is listed on the second page. Mr. Kane stated that his name is not on the original list that is recorded on the registry of deeds, because that is for Pine Street. He stated that he and his neighbors run the plow fund, that's why his name is on the second list. Because when the gentleman registered it, he only went as far as his house because that's all that the bank needed. Mr. Kane referenced the

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picture of the tractor he owned stating that anyone on Pine Street would agree that this tractor went up and down Pine Street every month and fixes the road. Mr. Belanger asked if Mr. Kane felt that the road was improving over the years? Mr. Kane stated that since he's lived there he's put over 45 loads of gravel in that road. They do at least two loads a year. When he first moved in the road was pretty bad, but he worked for a gravel company and they let him have gravel, so he hauled 9 ten-wheeler loads in on a Saturday. That was ten years ago, and they just keep adding to it. Ms. Morrill stated that it didn't seem as though the recorded information really addressed Shore Drive. She stated that she understood Pine Street and Shore Drive are connected but this really is about Pine Street and their association. Is there anything that would pertain to Shore Drive itself? Mr. Kane stated that the list on the back is all the people on the Pine Shore Fund. He stated that he started the Pine Shore Fund to include Shore Drive. Ms. Smith stated that she would suggest to the board that they bring the focus back to why they are here tonight, not to rehear information but to look at the pints relative to what was provided to the Board of Selectmen and whether their decision was correct. Mr. Kane stated that the list on the back is the original Pine Street plow fund that they started 15 years ago. The recorded information on the front is what the gentlemen that lived in the middle of Pine Street had to do to get the bank to give him a mortgage. Ms. Morrill stated that what Ms. Smith was saying was that this information provided to the Selectmen at that meeting. Mr. Kane stated that it wasn't, because at the time he wasn't aware that it existed. Ms. Morrill stated that she understands that we have to consider only what was originally presented. Ms. Smith stated that they could consider whether or not they feel that there is information that may be available or that there is information that was not presented, it depends on how much information that they feel needs to be provided by the applicant. Ms. Smith stated that the application contained whatever information that was provided at the time. The board can certainly look at the fact that he's presenting information now that wasn't available or did not have in his hands at the time. Mr. Kane stated that when he originally started this, the plow fund was discussed with the Zoning Board for the original variances. But he never showed anybody anything and it was never recorded anywhere. But it was discussed that there was a plowing fund and a maintenance fund for that road.

*Mr. Fowler closed public comment.*

Ms. Morrill stated that she felt this information should have been presented to the selectmen. Ms. Sanderson stated that the comments that she had was that nothing in the file that shows the Kane's can maintain the road for year round use, need to show that they have the authority to control and to maintain the road. The 674:41 addresses simply can they put that home, a new home on a private road. That's what the selectmen addressed. Mr. Belanger stated that he wanted to see some clear intent that there was an association improvement plan, and he can see that now. That was going to be one of his question, they have some diligence to do that. In addition to the fact that the house isn't twice the size and it's a reasonable expansion. Ms. Sanderson stated that it wasn't what they were addressing tonight. Ms. Smith stated that she would caution the board to stay focused on what their authority was tonight. It is not

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to revisit the variances, it is to look at the information that the Board of Selectmen had for their decision that they made and to determine whether or not it was a reasonable one based on that information. Ms. Sanderson stated that the Selectmen were given the Planning Board comments that said

- No known road maintenance agreement/road association
- tree growth encroached on Shore Drive
- no winter maintenance agreement
- road width is narrow for both passing vehicles and emergency vehicles.”

Ms. Sanderson stated that the Selectmen are duty bound to adhere to 674:41 which is guidelines for the BOS regarding issuance for building permits on Class VI and private roads. Referring to the information that they had for 674:41 “The Board of Selectmen at a minimum shall adhere to emergency travel lane standards. Each case is looked at a case by case basis with specific conditions of the road in question and its ability to support the passage of emergency vehicles being the primary consideration. In general terms, the emergency lane includes the following;

1. 16-foot travel surface,
2. 2-foot shoulders on each side
3. 4 inches of crushed gravel surface
4. Installation of drainage culverts as may be required after the NHDES wetlands permit approval
5. Potential of pavement depending on conditions and steepness of slope
6. Easement for drainage and maintenance.

She adds that the Board of Selectmen shall require proper completion of improvements to Class VI or private road be secured by the town by giving of security in a form and amount to be determined by the board.

Ms. Sanderson stated that they were basing their ruling on some very strict criteria.

Mr. Fowler stated that with the information the Board of Selectmen had and the information from the Planning Board, who are going down to look at the road. We have to determine whether it was an unreasonable denial. Looking over this information, we have this in front of us now (referring to the road information) He stated that if he reads it properly, this is stamped with information and it talks about the parties involved and they are all on Pine Street. There is nothing on Shore. This one does say Shore Drive but he feels it needed to be presented to the Board of Selectmen in the beginning. It’s his thought that it isn’t an unreasonable denial. Ms. Morrill stated that she would add to that as well. If that were in completed form, and she doesn’t believe it is, there are still two things that the board was taking under recommendation that hasn’t been met. So, we are still at the same place essentially. Mr. Belanger stated that he felt it was a little bit unreasonable not having some clear notices about what we have approved in the past and being able to provide some clear directions for the case, or for what we are going to do going forward, because this problem is not going away. We have other private road applications we have to address and he felt Mr. Kane had

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done fair diligence getting to where he is. He thinks it would have been reasonable for the Selectmen to draw a line in the sand and go forward than to use this as a denial.

**Alternate Mr. Belanger made a motion to overturn the decision of the Board of Selectmen.**

Mr. Belanger stated that he was making that motion because he would like to provide a clear direction to the Town of Northwood for private road building applications. He stated that they need a clear statement from the town that would say this is what we are going to do going forward, right now everything that comes to the Zoning Board, and if the Selectmen want to make the decision upfront to deny applications because of private roads are not up to date, then they should do that.

**A second was not given. Motion failed.**

Ms. Sanderson stated that regarding Mr. Belanger's statement, can the board work out an arrangement or agreement with the Selectmen for the future perhaps on the basis of the 674:41 versus the variance should there be a protocol for which comes first?

Ms. Smith stated that the applicant can decide the order that they would like proceed. The process has been that the selectmen wanted to wait until the Zoning Board had heard and decided the case. There are a couple of factors involved. The 674:41 application that the selectmen vote on has to go to the Planning Board first for review and comment. By state law, if someone comes in with a completed Zoning Board application, it has to be processed within 30 days. They can parallel that with a 674:41 application, but because of the meeting dates, and the timing of it, we can't have the Board of Selectmen's decision first, even if we wanted it that way. The only way that would work would be if the applicant agreed to wait on the Zoning Board application and put in the 674:41 application to the selectmen first. Originally the idea was to prevent a lot of cases coming to them that don't get variances. So, it seemed reasonable that they would wait. Ms. Sanderson asked if there was any guidance available for the property owner as far as the timing? Ms. Smith stated that the decision of the Board of Selectmen only came a few weeks ago. Prior to that, they wanted to wait until after the Zoning Board heard the case, so there is no statutory requirement under 674:41 that says they have to hear it within so many days as there is a variance. That's the difference. Often times what happens is, people are coming in making sure they get under the deadline with the Zoning Board application two days before the deadline and they have contractors waiting that want to build or they are waiting for the weather or whatever. It's possible that they can produce a document for applicants that breaks down the process of the application. There is one similar that is used now called "Before you Build". It explains the process of a building application. So, there is information available. Mr. Belanger stated that he would like to meet with the selectmen to come up with some public notice that would address this issue for private roads. Then, with cases going forward people will know that the selectmen and the Zoning Board will no longer consider building application for private roads unless certain things need to be met. Ms. Smith stated that the selectmen have already adopted their own guidelines. The Zoning Board can't tell the Board of Selectmen what

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to put in their guidelines, certainly they are welcome to make suggestions though. The Selectmen specifically said they wanted to do it on a case by case basis. These are guidelines, but typically they would like to see what Ms. Sanderson read earlier. Whether or not they stick by their guidelines is up to them. They are elected officials. Mr. Belanger stated that it seems like that should be put up front before the applicant pursued all of this. I don't think he should be penalized for that. Ms. Smith stated that there have been other denials, and the Zoning Board's responsibility here is to determine in this particular case if the decision was reasonable. Because they make decisions on case by case basis, they can't compare it to whatever was decided in the past. The decision tonight is whether or not it was reasonable or unreasonable.

**Ms. Sanderson made a motion to uphold the decision of the Board of Selectmen stating that the selectmen upheld the statues of NH RSA 674:41 for case 17-16 based on information provided from the planning board; there was no additional information available to them at the time other than what was in the application and the information that was presented this evening was after their decision. Ms. Morrill seconded. Motion carried 4/1. Mr. Belanger voted no.**

Mr. Kane stated that he's lived at that property for 17 years and now they were telling him that he couldn't put a house there. He stated that the board just told him his property was worthless. The road is 15 and a half feet wide. Ms. Sanderson stated that he had other options. She stated that he could seek some assistance of counsel.

Mr. Fowler stated that before they start this case, he wanted to make note that in roughly a half hour or after this case they were going to take a five-minute break and then go until 9:30, and whatever case they were on at 9:30 would be the last case they would hear for the night. They would continue the remaining cases until October.

**CASE 17-14: Dan Moore for Steve Kutftnec, 9 Pleasant View Ave, Map 109 Lot 35. Applicant seeks to build a new two-bedroom single family home and is requesting the following variances:**

A variance to Article IV. B(6)(d)(8) for type of road frontage (private road)

A variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .19 acre, where two acres are required.

A variance to Article IV.B(1)(c)(1) Length of frontage, lot has 120 feet where 150 feet is required.

A variance to Article IV.A Table IV-1 Minimum setback for the septic field does not meet 20 feet.

A variance to Article IV.A Table IV-1: setback for house is 8.37 feet where 20 feet is required.

Scott Boudreau, Boudreau Surveying, Erik Gundrum. MGM Woodrights, and Dan Moore, MGM Woodrights were present for the applicant.

Mr. Boudreau stated that last month they brought forth the proposal to rebuild a house on this lot. They needed a variance in order to get the septic system to state standards, which was approved. They also put a hold on the other variances because

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they were still waiting on shoreland approval, which they have now. Mr. Gundrum stated that the homeowner was proposing to remove the existing two-bedroom house, and replacing it with a new seasonal two-bedroom house. Mr. Gundrum distributed photos showing the current road conditions. Ms. Sanderson asked if there was an easement or secondary access to the road that is next to the public beach, Lake Avenue? Mr. Boudreau stated that it is not deeded with the court, it's a family agreement and they have a letter from the owner stating they can use that road as a second access and parking. Ms. Sanderson stated that they were looking for a minimum road width of 26 feet, do they have any evidence of the dimension? Mr. Boudreau stated that they did have evidence of dimension, it is 20 feet wide. Ms. Sanderson asked if there was a turning radius of 28 feet minimum or any dead-end road that had a hammerhead turnaround of 100 feet to safely navigate the area? Ms. Sanderson stated that the road seemed to end at someone's garage. She stated that she does have an issue with the road. She stated that she traveled it twice, once on a weekend, and she thought that maybe it was particularly crowded because of the holiday weekend. The second time, however was on a Thursday afternoon before 5 PM, and it was just as crowded as it was over the weekend. She has an issue with the safety and any attempted rescue down that road. Do they have any evidence that would show any improvement? As it is it is the only primary entrance. Mr. Boudreau stated that they do not. Mr. Gundrum stated that the road was 186 feet long. So, from the town approved road of Lake Shore, it's only 150 feet or one building lot down from the access point. The homeowners did sign the agreement and release. Ms. Sanderson stated that the agreement and release was not within their purview, and the 674:41 is taken by an individual case by case basis from now on. So, their property would have to go through the same process. Is there a driveway? Mr. Gundrum stated that the homeowner is intending to park in his sisters parking area, which is a paved road. Mr. Gundrum stated that the issue that they struggle with is that they don't have the room between the property lines to bring it up to a place to get it to the standard anyhow. He stated he understands how it looks like there are vehicles on the sides of the roads. He stated that even if they widened the road, those vehicles will probably still be there. He is the only seasonal house on the road, but there are year-round houses on the road. There is no association in place or any talk of putting one together. The full-time residents maintain it for their access in and out.

Criteria supporting the request for a variance to Article IV. B(6)(d)(8) for type of road frontage (private road)

1. *Granting the variance would not be contrary to the public interest because:* It does not conflict with the original intended use of the private road. The private road will not be altered or changed. Granting this will not affect the safety of the neighborhood or the character of the neighborhood. A residence has been on the lot since 1940 utilizing the private road.
2. *The use is not contrary to the spirit of the ordinance because:* The proposed project will not be increasing the compactly of the private road. A residence has been on the lot since 1940 utilizing the private road.

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3. *Granting the variance would do substantial justice because:*  
The private road has provided access to the property since 1940. Allowing a new residence would alter the current conditions.
  
4. *The proposed use would not diminish surrounding property values because:*  
The existing structure is inhabitable and is in disrepair. In addition, the lot is overgrown and un-kept. The proposed project would address both of these conditions, increasing property values, and decreasing potential hazards for the community.
  
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:*  
At this time this camp was built it was conforming with any/all town conditions and ordinances. It has been historically non-conforming since new ordinances/conditions were passed.

Mr. Fowler opened the Public hearing.

Victoria Parmelee she lives at 3 Pleasant View Avenue. She stated that she wished she had been there last month because her issue was with the variance for the septic system. She stated that she didn't have a problem with what is proposed, it's an appropriate use for the property. The view will be blocked, but she stated she doesn't look down that way anymore anyway because it's just so crowded. The access issue with Pleasant View Ave is basically that it's a driveway, so whatever is proposed there, there will be issues and having any other access would be good for the other property owners. Ultimately this is a very small lot. The septic system really is the issue. The fact that it is a small lot is why there are so many variances requested. To her, the fact that a variance was granted for the septic system wasn't appropriate because there was another option. The owner could potentially put in a more innovative system that would require a much smaller leach field and they wouldn't have required the variance. At this point it may be irrelevant, but since you're looking at the whole property, it might be worth considering. These small lots, it's the septic systems that are the problem. She stated that if there were a storm event, theoretically, the whole is would be flooded, so it could affect the other properties and even the lake. Other than that, she stated that she didn't have any issues.

Ms. Sanderson stated that she sees an overcrowding situation on this private road. Addressing simply the type of road. This Class VI road is thoroughly inadequate for the traffic. There is no driveway. The secondary access is not guaranteed, it's simply an agreement within the family and does not become part of property right. Property right would be easement and written into the deed. Mr. Fowler stated that he can see that one emergency vehicle could possibly make their way down that road, but having

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two emergency vehicles try to get down there, then there would be a problem. Having no established association to make sure it's maintained, having no driveway affects the road because that puts another vehicle or two parked on the road. It's difficult to see how it would not be contrary to the public interest.

Mr. Gundrum asked that if they ask Lisa Kuftenc (adjoining property owner) to set up a deeded right of way to show that the access will always be there, is that something that the board would look at favorably? Mr. Fowler stated that it may help, but he can't say for certain either way. Mr. Gundrum stated that he would rather make that change and then come back next month for this variance.

**Ms. Sanderson made a motion to continue the variance to Article IV. B(6)(d)(8) for type of road frontage (private road) until the next regular meeting (October 23). Ms. Morrill seconded. Motion carried 5/0.**

Criteria supporting the request for a variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .19 acre, where two acres are required.

1. *Granting the variance would not be contrary to the public interest because:* It does not conflict with the original intended use of the property lot. The lot size will not be altered or changed. Granting this will not affect the safety of the neighborhood or the character of the neighborhood. It will remain a seasonal single-family home.
2. *The use is not contrary to the spirit of the ordinance because:* The proposed project will be removing an existing uninhabitable two-bedroom house and replacing it with a new two-bedroom seasonal house keeping with the intended use of the property.
3. *Granting the variance would do substantial justice because:* It would not negatively affect current conditions; however, it would increase safety by removing an inhabitable structure and at the same time increasing the property value of the neighborhood.
4. *The proposed use would not diminish surrounding property values because:* The existing structure is inhabitable and is in disrepair. In addition, the lot is overgrown and un-kept. The proposed project would address both of these conditions, increasing property values, and decreasing potential hazards for the community.
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:*

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At this time this camp was built it was conforming with any/all town conditions and ordinances. It has been historically non-conforming since new ordinances/conditions were passed.

**Ms. Sanderson made a motion to continue the variance requests Article IV.A Table IV-1: setback for house is 8.37 feet where 20 feet is required, and A variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .19 acre, where two acres are required. Ms. Morrill seconded. Motion carried 5/0.**

Criteria supporting the request for a variance to Article IV.B(1)(c)(1) Length of frontage, lot has 120 feet where 150 feet is required.

1. *Granting the variance would not be contrary to the public interest because:* It does not conflict with the original intended use of the property frontage. The frontage size will not be altered or changed. Granting this will not affect the safety of the neighborhood or the character of the neighborhood. It will remain a seasonal single-family home.
2. *The use is not contrary to the spirit of the ordinance because:* The proposed project will be removing an existing uninhabitable two-bedroom house and replacing it with a new two-bedroom seasonal house keeping with the intended use of the property.
3. *Granting the variance would do substantial justice because:* It would not negatively affect current conditions; however, it would increase safety by removing an inhabitable structure and at the same time increasing the property value of the neighborhood.
4. *The proposed use would not diminish surrounding property values because:* The existing structure is inhabitable and is in disrepair. In addition, the lot is overgrown and un-kept. The proposed project would address both of these conditions, increasing property values, and decreasing potential hazards for the community.
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:*  
At this time this camp was built it was conforming with any/all town conditions and ordinances. It has been historically non-conforming since new ordinances/conditions were passed.

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**Mr. Belanger made a motion to grant the variance to Article IV.B(1)(c)(1) Length of frontage, lot has 120 feet where 150 feet is required. Ms. Morrill seconded. Motion carried 5/0.**

*Mr. Fowler called for a recess at 8:25 PM. The board returned at 8:27 PM*

**CASE 17-15: Paul Ross, 14 Circle Street, Map 116 Lot 98. Applicant seeks to build a new two-bedroom modular home and is seeking the following variances:**

A variance to Article IV. B(6)(d)(8) for type of road frontage (private road)

A variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .2 acre, where two acres are required.

A variance to Article IV.B(1)(c)(1) Length of frontage, lot has 100 feet where 150 feet is required.

Mr. Ross was present to speak for his application. He presented the board with the Pine Point Park Association information including minutes from the most recent meeting, bylaws, a complete listing of the money spent on repairs and maintenance, and road information maintenance information.

Criteria supporting the request for a variance to Article IV. B(6)(d)(8) for type of road frontage (private road)

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

By allowing the variance there will be no change of usage to the lot than what already exists. There will be no change of the road usage, traffic count or town or school services. Granting the variance will continue the contribution to Pine Point Association which maintains the common areas.

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

The ordinance was not meant to prevent an update to an existing property This property was developed specifically for its current use and mobile homes have a shelf life. The new building will be built to meet the current building and energy codes which cannot be obtained by renovating the current structure. The increased square footage of the building does not change the fact that the lot is on a private road.

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

Each of the lots in the Pine Point Associations pays dues to maintain the roads, beach and building upkeep that are used by the residences in the area. The ordinance was enacted after the lot was purchased. By granting the variance, the property shall continue to be used for the original purpose it was intended for.

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

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The proposed use is not changing. The existing house is an eyesore and a new home would be more aesthetically pleasing. It will also promote pride in ownership with the exterior landscaping. A neighborhood of new homes is more valuable than one with older homes. The project will include a new septic system which will improve the surrounding ground quality.

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:*

The use of the property is not changing. All of the neighborhood and surrounding lots about the private roads servicing the area and it would be unobtainable to change this. All of the lots are of similar size and constraints.

*Mr. Fowler opened the public comment.*

George Hatfield was present as an abutter. Mr. Hatfield stated that they had a lawyer help them rewrite their bylaws in 2012. Right after they did that, they put together a 5-year plan with a contractor. They finished the 5 years plan this year. All the roads in the park have been paved since 2012. They put 8 inches of fill on the road with a mesh cover to keep it from sinking. They plan to add more fill so they can pave again. They have a contractor that grades the dirt road every spring. They don't seem to get an entire season out of it, so they are going to start doing it twice a year. The road committee is planning to get a proposal for the next phase out.

**Ms. Sanderson made a motion to grant the variance to Article IV. B(6)(d)(8) for type of road frontage (private road). Ms. Morrill seconded. Motion carried 5/0.**

Criteria supporting the request for a variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .2 acre, where two acres are required.

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

By allowing the variance there will be no change of usage to the lot than what already exists. There will be no change of the road usage, traffic count or town or school services. Granting the variance will continue the contribution to Pine Point Association which maintains the common areas.

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

This is an existing lot and not a new lot. The ordinance was not meant to prevent an update to an existing property This property was developed specifically for its current use and mobile homes have a shelf life. The new building will be built to meet the current building and energy codes which cannot be obtained by renovating the current structure. The increased square footage of the building does not change the area vehicle congestion, significantly change sunlight or air circulation patterns, change the overcrowding of the land

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or concentration of population, change pedestrian patterns, or hinder the ability of emergency vehicles, delivery vehicles, and other visitors to the service in the area.

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

Each of the lots in the Pine Point Associations pays dues to maintain the roads, beach and building upkeep that are used by the residences in the area. The ordinance was enacted after the lot was purchased. By granting the variance, the property shall continue to be used for the original purpose it was intended for.

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

The proposed use is not changing. The existing house is an eyesore and a new home would be more aesthetically pleasing. It will also promote pride in ownership with the exterior landscaping. A neighborhood of new homes is more valuable than one with older homes. The project will include a new septic system which will improve the surrounding ground quality.

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:*

The use of the property is not changing. All of the neighborhood and surrounding lots about the private roads servicing the area. None of the lots are two acres. There are no available lots to be purchased to make it more complying to the two-acre minimum.

**Ms. Sanderson made a motion to grant the variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .2 acre, where two acres are required, with the condition that the applicant merge the two lots. Ms. Morrill seconded. Motion carried 5/0.**

Criteria supporting the request for a variance to Article IV.B(1)(c)(1) Length of frontage, lot has 100 feet where 150 feet is required.

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

By allowing the variance there will be no change of usage to the lot than what already exists. There will be no change of the road usage, traffic count or town or school services. Granting the variance will continue the contribution to Pine Point Association which maintains the common areas.

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

This is an existing lot and not a new lot. The ordinance was not meant to prevent an update to an existing property This property was developed specifically for its current use and mobile homes have a shelf life. The new building will be built to meet the current building and energy codes which cannot be obtained by renovating the current structure. The increased square

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footage of the building does not change the area vehicle congestion, significantly change sunlight or air circulation patterns, change the overcrowding of the land or concentration of population, change pedestrian patterns, or hinder the ability of emergency vehicles, delivery vehicles, and other visitors to the service in the area.

8. *Granting the variance would do substantial justice because:*

Each of the lots in the Pine Point Associations pays dues to maintain the roads, beach and building upkeep that are used by the residences in the area. The ordinance was enacted after the lot was purchased. By granting the variance, the property shall continue to be used for the original purpose it was intended for.

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

The proposed use is not changing. The existing house is an eyesore and a new home would be more aesthetically pleasing. It will also promote pride in ownership with the exterior landscaping. A neighborhood of new homes is more valuable than one with older homes. The project will include a new septic system which will improve the surrounding ground quality.

10. *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:*

The use of the property is not changing. All of the neighborhood and surrounding lots about the private roads servicing the area. None of the lots are two acres. There are no available lots to be purchased to give it more frontage.

**Mr. Belanger made a motion to grant the variance to Article IV.B(1)(c)(1) Length of frontage, lot has 100 feet where 150 feet is required. Ms. Morrill seconded. Motion carried 5/0.**

Mr. Fowler stated that since it was 9:30 PM and they had just finished a case, they would rather not start a new one since they have internal business to get to as well.

**Ms. Morrill made a motion to continue the remaining cases, 17-19 and 17-18 to the special meeting on October 16<sup>th</sup>. Ms. Sanderson seconded. Motion carried 5/0.**

**Internal business**

Ms. Smith stated that she would like to board to vote to change the application checklist where it refers to the amount of copies of site plans from 5 to 10 as part of the application.

**Ms. Sanderson made a motion to change the application requirements from 5 copies of site plans to 10 copies of the plan as part of the application. Ms. Morrill seconded. Motion carried 5/0.**

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Ms. Smith stated that they needed to schedule a date to consider the rehearing request. Then if they decide that they would like to rehear the case, they will pick a different day because it will have to be noticed. The attorney will review the information and provide legal advice to the board. The board can either meet with the attorney prior to the meeting, or they can have the attorney give her written opinion. They can read the legal opinion, and they cannot discuss it and they should vote to keep the legal opinion a confidential document.

**Ms. Sanderson made a motion to set the meeting to decide if they will hear the appeal, and have the attorney submit her written opinion and authorize the Chairman to make the decision to schedule the attorney if he feels they need her present. Mr. Belanger seconded. Motion carried 5/0.**

Ms. Smith stated that she received a notice of resignation from Curtis Naleid. Mr. Fowler read it into the record.

*Linda*

*Please forward my resignation to the Board of Selectmen and any others as needed. With much consideration I have decided that no time is good for this but I have decided to move on as I have been planning. I wouldn't have been able to make it early Monday to sit with the attorney and I don't think it is fair to take a voting position without that information. The board is currently made up of an exceptional group who will make wise decisions for our town. Thank you for all of your hard work, it has been a pleasure to work with you over the years.*

*Sincerely, Curtis*

*Northwood Board of Selectmen;*

*I write this letter to inform you that I am resigning my position on the Northwood Zoning Board of adjustment effective immediately. I have enjoyed working with the board and the town administration for the many years that I have had the privilege to. However, personal circumstances with young children and the owner of a local business no longer affords me the time to necessary to continue as a member.*

*Thank you,*

*Curtis*

Ms. Smith stated that because of Curtis resigning, now they have a vacancy on the board. Standard practice is that the Board of Selectmen will fill the position. What the board has done over the years is that once there is a resignation, the Zoning Board can make a recommendation to the Board of Selectmen recommending one of the alternates be put into a member position. That would leave an alternate position open. Ms. Sanderson was the first alternate to join, so typically the first alternate would be chosen to move up.

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**Ms. Morrill made a motion to send the Board of Selectmen their request to appoint Pam Sanderson as a full-time member. Ms. Dimatteo seconded. Motion carried 5/0**

Ms. Smith stated that they needed to make a formal vote to nominate the Chairman for the board as well.

**Ms. Morrill made a motion to nominate Matt Fowler as Chair of the Zoning Board. Ms. Dimatteo seconded. Motion carried 4/0/1. Mr. Fowler abstained.**

**Ms. Sanderson made a motion to adjourn at 10:17 PM. Ms. Dimatteo seconded. Motion carried 5/0.**

***Respectfully Submitted***

***Susan M. Austin, Land Use Secretary***