

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

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

Mr. Miller stated: As Chair of the Northwood Zoning Board or Adjustment, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

PRESENT: Chair Justin Miller, Vice Chair Pam Sanderson, Brenda DiMatteo, Betsy Colburn, Tom Johnson and Ted Wilkinson

TOWN STAFF PRESENT:

Linda Smith, Land Use Specialist, and Susan Austin, Land Use Assistant

TOWN LEGAL STAFF PRESENT:

Laura Spector-Morgan, Esquire and Naomi Butterfield, Esquire.

VOTING DESIGNATION: Pam Sanderson, Justin Miller, Brenda DiMatteo and Betsy Colburn, and Ted Wilkinson

Minutes

Mr. Wilkinson made a motion to accept the minutes of February 22, 2021. Ms. Sanderson seconded. Motion carried by roll call vote 5/0

REHEARING:

CASE 20-1 June Kulakowski, Big Buck and Bigelow Road, Map 125 Lot 23 and 24. Applicant seeks to build a 2-bedroom residential home and requests the following relief:

- A variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, combined lots have .53 acres, where two acres are required.
- A variance from Article IV Section (B)(2)(d) Upland Soil. The two lots have .28 acres of contiguous upland soil, where 1.0 acres of contiguous upland soil is required.

Ms. DiMatteo recused herself.

VOTING DESIGNATION: Pam Sanderson, Justin Miller, Betsy Colburn, Tom Johnson and Ted Wilkinson

Chair Miller passed the Chair to Ms. Sanderson for this case.

Attorney Brett Allard, Bernstein Shur Law Firm, Scott Frankiewicz, NH Land Consultants, Damon Burt, Wetlands Scientist with Fraggie Rock Environmental, and June Kulakowski, the applicant.

Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021

Acting Chair Sanderson asked the applicant's representative to give them an overview of the application.

Attorney Allard stated that they were present for a rehearing for two variances, one for minimum lot size, and one for contiguous upland soil. He shared his screen to show the site plan. He stated that it was tax map 125, lots 23 and 24. It is two separate tax maps right now, but they plan on consolidating them in connection with this application. The property is situated at the corner of Big Buck Road and Bigelow Road. It will be serviced by a private well and septic, and in fact, the applicant has already obtained a septic approval from DES, which they received on July 21, 2020. As this board knows, this is a neighborhood that is made up of mostly grandfathered lots of record, these two specific lots have existed in their current form since the 1960s, and they are therefore grandfathered since they predate adoption of the Northwood Zoning Ordinance in 1999. Suffice to say, he makes that point because up until 199, the applicant could technically build two houses on the property that they are discussing tonight. Both lots are presently vacant, although some neighbors have stored some yard waste and debris on the south easterly corner of the property. Combined, the lots will be .53 acres, and combined about .28 acres of contiguous upland. The wetlands on the property are confined to a contiguous area on the southerly portion of the lot. The applicants first appeared in front of this board at the October 26, 2020 meeting for 3 variances, the two they are discussing tonight and then there was a frontage variance in which the board did grant. They then submitted a request for rehearing and that was heard at the November 30, 2020 meeting, and the board granted that request. He wanted to point out the overarching purpose of zoning and zoning boards. If you look at the Supreme Court case of Bacon v Town of Enfield (2004) the Supreme Court stated that "variances are designed to operate as zoning's constitutional safety valve." The reason that is so is that when zoning regulations are adopted, it is impossible to analyze the affect an application will have on every single piece of property. In zoning regulations, while obviously important to the successful development within a town's wishes, the regulations must also be tempered by the owner's constitutional property rights. Which is why we have the variance mechanism in state law, to ensure that government regulation does not interfere with constitutional property rights. This board has already granted the frontage variance, which has become final, and under the variance statue, we submit that the remaining two variances be granted tonight as well.

Ms. L. Smith asked if the plan that Mr. Allard was presenting to night had a retaining wall that was not on the original plan. Mr. Allard stated that the plan he was presenting was an updated plan that was sent to the plan after the original application was heard. Ms. Smith stated that there seems to be retaining wall within the setback. Mr. Frankiewicz stated that they added a few things to the plan. Ms. Smith stated that the building inspector hasn't seen the additions to the plan to determine the fact that there are new structures within the setback. Mr. Frankiewicz stated that they can

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

grade the retaining wall into the driveway. Attorney Spector-Morgan stated that if it turns out that the retaining wall is needed, and it is in the setback, they can come back for another variance application if necessary.

Acting Chair Sanderson asked if there were abutters present. There were none.

Ms. Sanderson read an abutter letter into the record.

Dear Zoning Board,

I strongly oppose the building of a two-bedroom home, Map 125 Lots 23 and 24. The size is under the required 2 acres! The road frontage and upland soil is a problem. I live below the 2 lots on Bigelow. There is a wetland and a natural water stream. Hard to see this year with the drought. I have had water in my backyard and under my house!

I am all for progress, but there are codes and requirements!

Thank you,

Christine M. Reed.

Ms. Sanderson stated that it is the Board's procedure to carry over into a second meeting in order to allow for public input due to the electronic nature of this meeting.

Attorney Allard read the five variance criteria.

Granting the Variances would not be contrary to the public interests and the spirit of the ordinances is observed.

Because it's in the public interest to uphold the spirit of the ordinance, the Supreme Court has held that these two criteria are very related, and if you meet the other. So in the interest of efficiency and brevity, he will discuss them together. To be contrary to public interest, the Supreme Court has held that to be contrary to public interest, the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance basic zoning objectives. *Malachy Glen Associates v. Town of Chichester* (2007). Since then, the courts have determined that the relative tests in making that decision is to ask "would granting the variance alter the essential character of the locality because the lots will remain consistent with the size of the surrounding properties and consistent with surrounding single family uses in the area. If you look at the tax map, the two lots will be consolidated which will make the lot .5 acres total, much bigger than the surrounding lots. The purpose of pointing this out is to show there will not be any congestion or overcrowding. The purpose of minimum lots size and contiguous upland requirements are a means to protect against over development and overcrowding. They are also a means to ensure that lots have sufficient buildable area and sufficient area for drainage and sanitary facilities. If you look at the plan, you can see that the lot proposed in the consolidation, can

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

support the proposed dwelling, septic, well and driveway all within the contiguous uplands. To underscore that, the applicant obtained septic approval from DES last July. In *Smith v. Town of Wolfeboro* (1992) The court held that there is a presumption that obtaining septic approval is adequate proof of a safe septic system. The plan does not call for any improvements within the wetland setback. The wetlands are contained on the contiguous southerly portion of the lot, and they will not be impacting the wetlands. These are low value, low functioning wetlands in this area. Even so, they have taken several measures to mitigate any impact any impact to the wetlands.

Mr. Frankiewicz stated that they have added a drip edge to be constructed around the dwelling, the roof drains will be tied into that. Filter socks will be used during construction in place of traditional silt fence to avoid disturbances close to the wetland. The driveway will be a pervious gravel to provide increased infiltration runoff. A tree line will be maintained adjacent to the wetland to further increase infiltration of surface water. These measures will ensure that the integrity of the wetland is protected both during and after construction. Mr. Frankiewicz shared a rendering of the project for the board.

Granting the variance would do substantial justice.

The Supreme Court has held that measuring substantial justice requires balancing public and private rights. “Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Harborside Associates v. Parade Residence Hotel, LLC* (2011). There is no injury to the public if the variances are granted. There is no gain to the public if the variances are denied. There is only loss to the Applicant if the variances are denied. As such, when balancing public and private rights, the loss to the Applicant if the variances are denied outweighs and loss or injury to the public if the variances are granted. Therefore, granting the variances will do substantial justice.

The values of the surrounding properties will not be diminished.

If the variances are granted, the lot will remain consistent with the residential character and the size of the other lots in the neighborhood. The Applicant is not requesting any setback variances in order to encroach closer to any abutting property than would otherwise be allowed under the zoning ordinance. Moreover, Judi Anthony, a real estate broker with Welcome Home Reality, has analyzed the applicant’s proposal and determined that granting these variances will “only enhance increase the value of the area and surrounding properties” This is particularly true where the vacant lot has historically been used by the neighbors to store yard debris. If these variances are granted, the property will be revitalized and improved with a new home, landscaping, and a well-maintained yard. Yard debris storage will not be allowed. These improvements will be a benefit to the neighborhood. Therefore, surrounding property values will not be diminished.

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

Unnecessary Hardship

The Applicant's property is distinguishable from the other properties in the area. First, it's situated along two private roads. Second, it is impacted by wetlands in a way that the other properties in the area are not. Third, unlike other properties in the area, the lot is presently vacant and being used by some neighbors to store yard debris. Owing to these special conditions, among others, relative to other properties in the area, there is no fair and substantial relationship between the purpose of the zoning ordinance's minimum lot size and contiguous upland requirements and their application here. As stated, the purpose of minimum lot area requirements are to minimize overcrowding and congestion, and to ensure that lots will have sufficient buildable area and sufficient areas for sanitary facilities. Similarly, the purpose of minimum contiguous upland area requirements is so that lots will have proper areas for drainage and sufficient areas for sanitary facilities. Notwithstanding, that the property is a corner lot impacted by wetlands, the lot can adequately support the proposed dwelling, septic, well, and driveway. This is evidenced by the fact that 1. The applicant has already obtained septic approval from NHDES; 2. The applicant's plan does not call for any improvements within the 20-foot wetland setback; 3. The lot is conducive to the implementation of mitigation measures in order to protect the integrity of the wetland; 4. All proposed improvements fit within the building envelop; 5. All setbacks relative to abutters are being held, and the applicant is not requesting any setback variances in order to encroach closer to any abutting property that would otherwise be allowed under the zoning ordinance; 6. There is adequate access to and from the property; 7. The proposed single family use is permitted by right on the lot. Even if these variances are granted, the purposes that these ordinances aim to protect is not in any way threatened if the variances are granted.

It is really underscored by the case of Malachy Glen Associates, Inc, affirming trial court's decision reversing ZBA's denial of variance where "nearly 65% of the property is made up of wetlands or the wetland buffer" and the "configuration of the wetlands further reduces the buildable area" such that a variance is required to enable the plaintiff's proposed use of the property" which is a permitted use. Again, that's really the theme her. This is a permitted use, this is a reasonable use, and the landowner has a constitutional right to use and enjoy the property. To deny these variances, would be what they would believe to be an unconstitutional taking without just compensation. Zoning is really an exercise of the police power, but that police power needs to be exercised reasonably, and it can't interfere with land owners' constitutional rights to property. In the case of Brady v. City of Keene, this was acknowledged by the Supreme Court. In Smith v. Wolfeboro, (1992) the Supreme Court held that A taking occurs when the application of a regulation to a particular parcel denies the owner an economically viable use of his or her land. When governmental action deprives a landowner of the use of their property in whole or in part, that can constitute a taking, even if the land itself is not taken.

Again, these lots were created in the 1960's. They are grandfathered lots of record; they predate the adoption of the Northwood Zoning Ordinance in 1999. As such, up until 1999, a dwelling with related infrastructure could have been constructed by right on each one of these lots. It was only after 1999 that the adoption of the zoning ordinance rendered these lots substandard. Since construction of a single-family

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

dwelling on the consolidated lots is the only plausible and economically viable use of the properties, denying the variance would essentially mandate that the two lots stay vacant forever.

The Zoning Board is the relief valve from oppressive zoning regulations that essentially zone a property out of any reasonable utility.

For those reasons, we believe the proposed use is reasonable.

Mr. Allard stated that Damon Burke from Fraggie Rock Environmental was present, so if they had questions about the wetlands, they should direct those questions to Mr. Burke.

Mr. Wilkinson stated that he had a few comments. He stated that the testimony was the best and most concise explanation and defense of the 5 criteria that he's heard. That said, he wishes the threats of "regulatory takings were dialed back a bit. There's always a use for a piece of land. Otherwise, it was a very compelling presentation.

Mr. Burke stated that he could summarize what he did at the property. He completed a wetland delineation in June of 2020. He evaluated the wetlands using the three parameters for hydrology, soils and vegetation. He developed the wetland line, which NH Land Consultants surveyed. The wetland is typical of a wetland in a developed area in New Hampshire. IT has two culverts, one under Big Buck Road, so the drainage flows under Big Buck Road and then flows through the site and exits at the culvert Bigelow Road. There are residences adjacent to the wetlands on all sides, so there are levels of disturbance around the wetland and has for years, including drainage from the roads. It's been maintained over the years. The culverts are probably not in the best condition. It's certainly has functions, but there is a level of disturbance so it is by no means a pristine wetland. It's quite typical of what you would expect.

In reference to the two culverts, Mr. Johnson stated that on the "BP" plan, it appears that both culverts are off of the site and on neighboring properties. Have they been inspected? Mr. Burke stated that he evaluated the culverts to see what was draining in from both sides to understand the wetland function and value, and his general observation is that they aren't in the best condition, they didn't really evaluate them. Mr. Frankiewicz stated that they really only located the culverts.

Ms. Sanderson asked when the culverts were looked at. Mr. Burke stated that it was in June of 2020. Mr. Frankiewicz stated that he hasn't been out lately but his coworker John Newman has been out. Ms. Sanderson stated that there is concern about the Big Buck entrance to the property from the culvert. The culvert on the Bigelow Road side is looking good. She is concerned to the abutting property, as far as the runoff claim. ON the existing runoff, as it is, there is nothing on the property that blocks anything from going into that stream. The proposed building and accommodating fill would change that. To the edges of the property, since there will be a big berm in there, what is the runoff status on either side of the building? Is there a culvert that runs under the parking area? Where is the water coming from the high ground going to go? Mr. Frankiewicz stated that much of the runoff will infiltrate into

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

the ground. They are bringing in fill which is better than what is on the lot now. Then that will be loamed with grass on top that will consume much of the runoff. The roof will also be drained into the ground. Ms. Sanderson stated that there is an appearance that because they are on the triangulation of these two roads, which are both gravel high grounds, that there is repeated evidence that runoff occurs. Mr. Frankiewicz stated that they are going to infiltrate anything that is impervious, so there won't be any added water coming off of the lot. Mr. Frankiewicz replayed his rendering, which demonstrated where the runoff will go. Ms. Sanderson asked in reference to *Malachy Glen Associates v. Town of Chichester (2007)*, wasn't this a case where they had a site plan in 2000 that was approved, and then the wetland ordinance was passed in 2003, so they already had an approved site plan before the ordinance, so that ruling stood because their plan was in 2000 when it was filed. She is questioning whether that is a good example of caselaw to use here. Attorney Allard stated that it may be the case, he would have to go back and read more specifically through the facts of that case. His point in drawing that comparison wasn't to say that this was exactly the same case as that, but he was sitting to the general proposition that when you have a lot and there is a lot of wetlands on the lot, and the wetlands reduce the buildable area, there are still circumstances in the regard that justify the nature of granting variances. He was speaking about it more generally in terms of small lots and wetlands on the lots in that regard. Ms. Sanderson stated that in cases of the spirit of the ordinance, the public interest has to be taken in to consideration, in looking at "whether the variance would injure the private or public rights of others." That is a consideration "to be contrary to public interest or interest of public rights of others, the variance must unduly in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives" She stated that when she sees a lot of case law cited, she does look them up. Thank you for being thorough.

Ms. Smith stated that she wanted to add that it's been stated several times that there were no restrictions on lot size prior to 1999, when in fact Northwood has had minimum lots size requirements since 1968. Mr. Allard stated that if that is the case then he will retract that.

Ms. Sanderson stated that normally they would close public comment and go into board deliberation, but because of the electronic nature of this meeting and in order to afford the public to have input, they have been pausing the meeting until the next regularly scheduled meeting date. Any information that from the applicant or abutters would need to be received by the Land Use staff no later than 10 days prior to the meeting. The next meeting date is April 26, 2020.

Mr. Wilkinson made a motion to continue Case 20-1 until April 26, 2021. Ms. Colburn seconded.

Discussion:

Mr. Johnson stated that he has a few questions before they continue the case. His first question is for Attorney Allard. He stated that this case started in August of 2020 with the Building Inspector's denial, then the case was heard in September and October, was Mr. Allard involved in the case then? Mr. Allard stated that he was pulled into the case after the board granted one variance and denied two. Mr. Johnson stated that he

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

believes the original application should have appealed the building inspector's letter of August 4, 2020. Due to the nature of the revolving door of building inspectors, he feels that his client was misinformed by being directed to come in front of the board for lots size. He believes she should have come forward for Article 7C, non-conforming lots, subsection 3 for a special exception, which eliminates the requirement for lot size and upland soil. His suggestion is that they apply for a special exception, and possibly a variance to anyone of the three criteria they may not be able to make. Then have that presented before this case next month. Possibly they can get the special exception and not have to go to Superior Court if this case is voted down. Mr. Allard stated that they appreciate that recommendation and they will take a closer look at it.

Motion carried by roll call vote 5/0

Case 21-2

Camp Yavneh, 18 Lucas Pond Road Map 124 Lot 15. Applicant is proposing to build 3 new bunkhouses and requests the following relief:

- A Special Exception from Article VI, Section E. (4). Construction is within the Steep Slope Overlay District.

*Chair is given back to Mr. Miller
Ms. DeMatteo returned to the table
Mr. Johnson left the meeting.*

VOTING DESIGNATION: Pam Sanderson, Justin Miller, Brenda DiMatteo Betsy Colburn, and Ted Wilkinson

Chair Miller stated that they had heard the testimony for this case at the last meeting. No additional public comment has been received since the last meeting.

Mr. Wilkinson made a motion to approve Case 21-2 because all criteria has been met. Ms. Colburn seconded. Motion carried by roll call vote 5/0.

Case 21-1

Kim Bonenfant and Vince Eugene, 426 Bow Lake Road Map 105 Lot 21. Applicant is proposing to build a year-round residential home and requests the following relief:

- A variance to Article VII Section D (2) The replacement of a non-conforming seasonal camp with a conforming year-round home per plans on a lot with 147 feet of frontage where 150 feet is required and .31 acres where 2 acres is required.
- A variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .31 acres, where two acres are required.
- A variance from A variance from Article IV Section (B)(1)(c)(1), for road frontage. Lot has 145 feet where 150 feet are required.

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

Chair Miller stated that the board is following a two-meeting protocol, to allow any abutters to make any written comments after hearing the testimony from the applicant they can do so.

Mr. Frankiewicz was present to discuss this case for the applicant. He shared his screen with the board showing the septic system. He stated that it was designed in 2008 and installed in 2010. It received state approval after it was installed. It was designed for two bedrooms, 150 gallons per bedroom, which is still the current standard.

Criteria for a variance to Article VII Section D (2) The replacement of a non-conforming seasonal camp with a conforming year-round home per plans on a lot with 147 feet of frontage where 150 feet is required and .31 acres where 2 acres is required.

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

The current home has been there for over 50 years and the new home will be comparable to other homes in the neighborhood as well as lot size.

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

The use is consistent to the surrounding properties in the neighborhood.

Granting the variance will do substantial justice because:

It brings the structure to conforming and meets all local setbacks. It will also allow property to be used year-round which is consistent with surrounding homes that have *already been converted from camps.*

The proposed use will not diminish surrounding property values because:

The proposed use will be comparable to the surrounding homes that have already been converted from camps, making it consistent with the neighborhood. The new home will meet all of today's safety code and the lot will be nicely landscaped.

Literal enforcement of the provisions of the ordinance will result in unnecessary hardship because: The special conditions of this property that distinguish it from other properties in the area are as follows:

By approving the variance, it will allow the owners to replace the current property which is in need of substantial repair, making the home consistent with surrounding properties.

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

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

- (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:***

All of the lots in the surrounding area are similar in size and use. The existing home has never had any issues for privacy or safety concerns.

- (ii) *The proposed use is reasonable because:***

The current home has been used for over 50 years with no issues and most homes in this neighborhood have already been converted from seasonal to residential on similar lot sizes.

Criteria for a variance to Article IV.B(2)(b) for lot size that does not meet the zoning ordinance, lot has .31 acres, where two acres are required.

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

The current home has been there for over 50 years and the new home will be comparable to other homes in the neighborhood as well as lot size.

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

The use is consistent to the surrounding properties in the neighborhood.

Granting the variance will do substantial justice because:

It brings the structure to conforming and meets all local setbacks. It will also allow property to be used year-round which is consistent with surrounding homes that have *already been converted from camps.*

The proposed use will not diminish surrounding property values because:

The proposed use will be comparable to the surrounding homes that have already been converted from camps, making it consistent with the neighborhood. The new home will meet all of today's safety code and the lot will be nicely landscaped.

Literal enforcement of the provisions of the ordinance will result in unnecessary hardship because: The special conditions of this property that distinguish it from other properties in the area are as follows:

By approving the variance, it will allow the owners to replace the current property which is in need of substantial repair, making the home consistent with surrounding properties.

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

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

- (iii) 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:**

All of the lots in the surrounding area are similar in size and use. The existing home has never had any issues for privacy or safety concerns.

- (iv) The proposed use is reasonable because:**

The current home has been used for over 50 years with no issues and most homes in this neighborhood have already been converted from seasonal to residential on similar lot sizes.

Criteria for a variance from Article IV Section (B)(1)(c)(1), for road frontage. Lot has 145 feet where 150 feet are required.

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

The current home has been there for over 50 years and the new home will be comparable to other homes in the neighborhood as well as lot size.

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

The use is consistent to the surrounding properties in the neighborhood.

Granting the variance will do substantial justice because:

It brings the structure to conforming and meets all local setbacks. It will also allow property to be used year-round which is consistent with surrounding homes that have already been converted from camps.

The proposed use will not diminish surrounding property values because:

The proposed use will be comparable to the surrounding homes that have already been converted from camps, making it consistent with the neighborhood. The new home will meet all of today's safety code and the lot will be nicely landscaped.

Literal enforcement of the provisions of the ordinance will result in unnecessary hardship because: The special conditions of this property that distinguish it from other properties in the area are as follows:

By approving the variance, it will allow the owners to replace the current property which is in need of substantial repair, making the home consistent with surrounding properties.

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

**Town of Northwood
Zoning Board of Adjustment Meeting
March 22, 2021**

- (v) 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:**

All of the lots in the surrounding area are similar in size and use. The existing home has never had any issues for privacy or safety concerns.

- (vi) The proposed use is reasonable because:**

The current home has been used for over 50 years with no issues and most homes in this neighborhood have already been converted from seasonal to residential on similar lot sizes.

Chair Miller opened the public comment. There was no public comment.

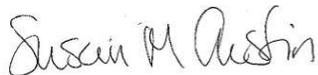
Ms. Sanderson asked why they are building such a large house, why not stick closer to the footprint? Ms. Bonefant stated that they have to contend with the well, so they can't come in from the side.

Ms. Sanderson made a motion to continue Case 21-1 until April 26, 2021. Ms. Colburn seconded. Motion carried by roll call vote 5/0.

ADJOURNMENT

Mr. Wilkinson made a motion to adjourn at 8:15 PM. Ms. Colburn seconded. Motion carried by roll call vote 5/0.

Respectfully submitted,



Susan M. Austin, Land Use assistant