

ZONING BOARD OF ADJUSTMENT

MINUTES

May 3, 2022

APPROVED: 5/31/22

AGENDA: CONTINUED VARIANCE – 22VAR02 – SUNDBORG – 396 OLD STAGE RD #210-002
22SPX04 – TERRAIN PLANNING AND DESIGN – ERIC BUCK – 56 NORTH PIKES
POINT RD #105-004

ATTENDING: Richard LaFlamme (Vice Chair), Larry Denton, Melody Mansur, Lorraine Bohmiller

ABSENT: Alan DeStefano (Chair), Ashley Dolloff (alternate)

OTHER: Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant), public and applicants

Mr. DeStefano opened the meeting via Zoom with a quorum in-person 6:00pm.

CONTINUED VARIANCE – 22VAR02 – SUNDBORG – 396 OLD STAGE RD - #210-002

Ms. Thompson read the application for a Variance for John Sundborg of 396 Old Stage Road. The Variance is from the frontage requirements on a Class VI Road to build an addition to an existing shed. Ms. Thompson read the abutters noticed and where the application was advertised. There were no Department comments, however there was one (1) comment from the Land Use Office regarding the requirement of a Land Use Permit and a Class VI Road waiver. Ms. Goodwin reminded the Board that the narrative and the elevations were missing from the original application at the April meeting and those items have been supplied. Mr. Denton motioned to approve the application as complete. Mrs. Mansur seconded. The motion carried 5-0-0. Mr. Laflamme asked the applicant to explain the application. Mr. Sundborg advised that the existing shed is a T-shaped shed, and the remodel will add an addition to the back that will square the shed off. In addition to making the overall structure, more visually appealing, it will also allow for more living space for the growing family. The log cabin will remain a seasonal home and will not serve as a permanent residence.

The criteria of the Variance application were reviewed with the board:

- 1 - Not contrary to the public interest - The proposed residential dwelling will replace an existing single-family house on the property that was dangerous and uninhabitable.
- 2 - Spirit of the Ordinance would be observed – The shed is on a portion of Old Stage Road that is a Class VI Road that is well maintained by residents and logging companies and is accessible by Fire, Police, and other agencies to protect the public.
- 3 - Substantial justice - The other two (2) residences on the Class VI Road who abut the lot to the North and South each have single-family dwellings that are year-round. The

ZONING BOARD OF ADJUSTMENT

MINUTES

May 3, 2022

property in question has forty-eight acres that require constant labor to maintain, which would not be possible without a dwelling.

- 4 - Values of surrounding properties would not be diminished – Mr. Sundborg is replacing an old, dilapidated house with a new cabin in better condition and further set back from the road.
- 5A1 - No fair and Substantial relationship – The project will not distinguish the property from other properties in the area the public travels the Class VI Road and only is restricted from trespassing on the property itself.
- 5A2 – A reasonable use – Without an expanded place to sleep, the family is unable to visit the property to maintain the land.
- 5B - Unnecessary hardship – His family has lived in the area of the building lots of Old Stage Road since 1915. He is a fourth generation to own the lot and plans to pass it on to a fifth generation. He reports that no longer being able to stay in the house will create a hardship for him and future generations.

Mr. Denton inquired if the property will be a three-season log cabin and Mr. Sundborg confirmed. Mr. Denton inquired about the Variance requirement. Ms. Goodwin advised the Board that Class VI Roads do not count as frontage for a buildable lot. Mr. Denton inquired about how the road would be guaranteed to be maintained. Mr. Sundborg reported that he would need to be able to access the property himself in addition to other logging companies that use the road. Mr. Sundborg added that it is in his best interest to keep that road maintained. Mr. Denton inquired on how many dwellings are beyond this property and it was noted that there is only one (1) that is your round. Ms. Goodwin added that there is a Class VI waiver form that must be filled out regarding liability, etc., and that Mr. Sundborg would be responsible for the maintenance with Select Board permission. Ms. Goodwin added that Class VI Roads do not have a standard and towns are not allowed to put money into the road without Town Meeting approval. If there is damage to a road, then the property that made the damage would have to fix the road to either the same standards or better. The waiver is recorded with Grafton County Registry of Deeds. Ms. Bohmiller inquired if the Town provides plowing, and it was confirmed that it does not. Mrs. Mansur inquired if the other houses on the road have the same responsibility. Ms. Goodwin advised that it is a year-round property that must provide maintenance to access their home. Further discussion centered around Class VI Roads and liability.

Mr. Laflamme opened the application to anyone in favor of the project. Mary Parker Worthen, an abutter, is completely for the project. She is happy to see a family member utilizing the property again. Sam Worthen, a family member, notes that there was a house back in 1968 and the family consistently visited the property. He believes that another abutter takes good care of the road. He reported that the property is an old homestead site, and it was one of thirteen farms

ZONING BOARD OF ADJUSTMENT

MINUTES

May 3, 2022

between this location and Bridgewater hill. Mr. Laflamme opened the application to anyone in opposition of the project and there were no comments. The public hearing was closed at 6:24 pm. Mr. Denton motioned to take the application as one (1) vote. Mrs. Mansur seconded. The motion carried 4-0-0. Mr. Denton motioned to approve the Variance as presented. Ms. Bohmiller seconded. The motion carried for 4-0-0. Mr. Laflamme noted the 30-day appeal period.

22SPX04 – TERRAIN PLANNING AND DESIGN – ERIC BICL – 56 NORTH PIKES POINT RD - #105-004

Mr. Laflamme opened the hearing advising the public that the only issue before the Board is an increase in height and all other matters would be discussed at the Planning Board. Ms. Thompson read the application for a Special Exception to increase the height of the existing ridgeline by more than one foot with the proposed the proposed increase approximately three (3) feet more. Ms. Thompson read the abutters notified and the locations the application was advertised. There were five (5) telephone calls with questions and those contacts received copies of the application by email. There was one (1) written correspondence that was withdrawn today prior to the meeting. There are no comments from the Departments. Mr. Denton inquired about a tax map showing the surrounding lots. The Land Use Office shared the mapping program for the Board's review. Mr. Denton made a motion that the application was complete. Ms. Bohmiller seconded. The motion carried 4-0-0.

Eric Buck of Terrain Planning and Design presented the project to the Board. There currently is a single-family home, a shed, and a boathouse on the lot. The owners would like to remove the existing home and rebuild a new home moving it back slightly out of the floodplain. The increase in height requires the Special Exception. Jason Bailey, the architect, presented the architectural plans for the new proposed home. Mr. Buck reported the current house has no existing septic system or well and the owners are bringing a 20th century camp into the modern century. Mr. Denton inquired on the vegetation between the current site and the abutters and was advised that there are a handful of trees in the current envelope that will need to be removed. Mr. Denton inquired if the trees are currently taller than the proposed ridgeline and Mr. Buck confirmed. Mr. Denton felt that the abutter's view would not be impacted by the change in the ridgeline as there are currently trees that impact the view. Ms. Bohmiller inquired if the foundation would be demolished, and Mr. Buck confirmed the stone foundation will be removed and an updated foundation installed. He added that the building will be moved two (2) feet back from the lake.

The criteria of the Special Exception application were reviewed with the Board:

- 1 - Appropriate location and adequate size - The site has an existing home on the location and there are other homes of comparable size and shape in the area.

ZONING BOARD OF ADJUSTMENT

MINUTES

May 3, 2022

- 2 - Will not adversely affect the character of the area – There is an existing house on the lot and there are other lakefront homes of comparable size and shape. The proposed home will be moved back from the lake making it more conforming.
- 3 - No nuisance or serious hazard to vehicles or pedestrians – This is a residential lot that has limited vehicle traffic. There are no hazardous materials on site and no proposed change to the existing curb cut on the Town Road.
- 4 - Will not place excessive or undue burden on Town services or facilities – There is currently a home on the property and the proposed use remains the same. The taller roof has no effect on Town services.
- 5 - No significant effect resulting from such use upon public health, safety, or general welfare of the neighborhood – The section of the home that will have taller roofline will be significantly further back from the lake than the existing structure. The entire impervious footprint of the home will be reduced.

Mr. Laflamme opened the application to those in favor of the project. Amy McClain, a member of the Carolina Trust, stated that they hope it will be a good influence on their cabin and their land. They own two (2) properties in the area. She inquired on the footprint again and Mr. Buck reported that the footprint is larger than existing, however it is taking the footprint that is non-conforming and moving it back to make it more conforming. Mr. Laflamme opened the application to those in opposition of the project and there were no comments. The hearing was closed to the public at 6:50 pm.

Mr. Denton motioned to take the application as one vote. Mrs. Mansour seconded. The motion carried 4-0-0. Mr. Denton motioned to approve the application as presented. Ms. Mansur seconded. The motion carried 4-0-0. Ms. Goodwin reminded the applicant of the 30-day appeal period and the applicant will move forward with their other processes.

MINUTES OF APRIL 5, 2022:

The minutes of April 5, 2022 were reviewed. Mr. Denton motioned to approve the minutes as amended. Ms. Bohmiller seconded. The motion carried 4-0-0.

MINUTES OF FEBRUARY 17, 2022:

The minutes of February 17, 2022 were reviewed. Mr. Denton motioned to approve the minutes as written. Ms. Bohmiller seconded. The motion carried 4-0-0.

COMMUNICATIONS:

None

OTHER:

ZONING BOARD OF ADJUSTMENT

MINUTES

May 3, 2022

The Board raised a concern regarding the approval of manufactured storage containers. Ms. Goodwin reported that the Staff is working with the Planning Board to amend this section of the Zoning Ordinance.

NEXT MEETING: The next scheduled Zoning Board meeting is June 7, 2022, at 6:00 p.m. but the Board may be required to hold a Special Meeting pending a Motion for Rehearing.

With no other business before the Zoning Board, Mr. Laflamme motioned to adjourn at 7:24pm, seconded by Ms. Bohmiller. The motion carried 4-0-0.

Respectfully submitted,
Christina Goodwin
Land Use Manager