

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
July 23, 2012**

MINUTES

Members present: Dave Liberatore, Keith Murray, Polly Mills Fife and Phil Cain. Also present: Gerald Coogan, LRPC.

Dave Liberatore acted as Chair in the absence of Kent Finemore.

Minutes: Polly Mills Fife moved, seconded by Phil Cain to approve the minutes of May 30, 2012 with corrections. Motion passed. Keith Murray moved, seconded by Phil Cain to approve the minutes of June 25, 2012 with corrections. Motion passed.

John A. MacLennon: Appeal of decision made by the Board of Adjustment on May 30, 2012 relative to an application for a variance from Article 7 Table 1 of the Northfield Zoning Ordinance to allow a detached 30'x50' garage with living space on a 1.44 acre lot at 15 Susan Lane (Tax Map R16 Lot 21-7) in the R1 zone. John MacLennon passed out a written justification for his appeal stating that he does not believe the voters addressed specifically the issue of having an attached in-law apartment versus an in-law apartment in a separate building on the same lot. He stated that it would be safer to have the apartment separated for emergency responders. He also commented that keeping generations of a family together would be in the spirit of the Zoning Ordinance. He added that adding an apartment to the existing residence would not be compatible with the surrounding homes in the neighborhood as it would become a much larger structure than others. Other homes do, however, have garages and/or barns which would be similar to what he proposes. This lot is unique because it is the first lot on a side road so that the proposed garage/apartment would be 3-400 feet from the abutters' homes. Mr. MacLennon added that he is trying to make it a legitimate added value to the neighborhood and does not see the difference between an attached or detached in-law apartment. He suggested including conditions on an approval that would not allow the apartment to be rented out to non family members.

Board members discussed the proper procedure for handling an appeal and whether they would grant an "appeal" or grant a "rehearing".

Polly Fife expressed concern about the Board not addressing the criteria for basing their original decision on May 30 and if a rehearing is granted the Board should go through the criteria one by one. John MacLennon stated that his variance was denied on only one section of the request and he would now be penalized because the Board made a mistake. He would rather the Board deny the appeal so that he can go directly to Superior Court so that he can start building. He added that the Board makes decisions based upon the Zoning Ordinance and it has the responsibility to decide if an application is "the right thing to do". He suggested that the Board has the ability to allow something like his

proposal. He further stated that he is trying to do things correctly rather than just building a garage and adding a living unit later.

Keith Murray stated that he would like this application reviewed more carefully and suggested expediting a rehearing and waiving the postage costs for that hearing. Polly Fife agreed that the application warrants further discussion. Keith Murray moved, seconded by Polly Fife to grant a rehearing for John MacLennon to be heard August 8, 2012 at 7:00 PM and to waive the abutter notice fees. Motion passed.

Kurt & Ruth Marvin: Application for a variance to replace an existing structure with a new residence on .15 acre at 34 Glines Park Road (R8 Lots 27 and 28) in the Conservation Zone. Gerald Coogan explained that the application is complete, but that it should be a variance seeking relief from Article 7 Table 2 not from RSA-483B as in the application. Keith Murray moved, seconded by Phil Cain to accept the application as complete. Dave Liberatore informed the applicant that they could chose to wait until a full board is present to hear their case. The Marvins chose to continue at this time.

Mr. Marvin explained that he purchased two separate properties that are now merged together. A mobile home was removed from one lot and now he would like to remove the existing structure which is old and located 5 feet from the shore of Sandogardy Pond. He proposes to build a new 26' x 40' home on a foundation plus a deck which would be approximately 50 feet from the shore. It would be located in the approximate center of the lot while still allowing for an abutter's right of way to the pond. A garage would be incorporated in the home, so that there would be only one structure instead of the existing home and shed.

Polly Fife commented that it is important that two lots have been merged as there had been an unsightly mobile home on one lot. She added that moving the residence back from the shore would be an improvement and there appears to be plenty of room for the neighbor's access. She also added that the Conservation Commission reviewed the application and stated it would be an improvement from the current home being so close to the water.

Gerald Coogan commented that if the Board acts favorably on this application he recommended that the Board require a statement from DES that the septic system is adequate. Mr. Marvin replied that they had installed a new tank in 2008 and tied it into the existing leach field. When they purchased the home there was an approval for a new septic system. Dave Liberatore agreed that they will need a DES approval for a septic design.

Public hearing opened and closed with no comment.

Review of the criteria for a variance:

1. Granting the variance would not be contrary to the public interest because the proposed residence will be more conforming and of greater value than the existing house.

2. If the variance were granted, the spirit of the ordinance would be observed because removing the old structure from the edge of the pond will help the water quality of the pond.
3. Granting the variance would do substantial justice because the home may collapse and cause increased disturbance to the pond.
4. If the variance were granted the values of the surrounding properties would not be diminished because the pond will be better protected and the new home will be more valuable than the existing one.
5. Denial of the variance would result in unnecessary hardship because the structure will be unusable due to the condition of the current home, the location close to the pond and the proposed use is a reasonable one because it is consistent with the neighborhood. Zoning has made all neighboring lots non-conforming in size.

Keith Murray moved, seconded by Phil Cain to grant a variance to replace an existing structure with a new residence on .15 acre at 34 Glines Park Road (R8 Lots 27 and 28) in the Conservation Zone with the following conditions:

1. Must obtain DES approval for a septic system
2. Must obtain a Comprehensive Shoreland Protection permit.

Motion passed.

Meeting adjourned at 8:10 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 08-08-2012