

**NORTHFIELD BOARD OF ADJUSTMENT
MINUTES
December 28, 2015**

Present: Brian Brown, Bob Southworth, Jacqueline Roy and Keith Murray.

Minutes: Brian Brown moved, seconded by Jacqueline Roy to accept the minutes of October 26, 2015 as read. Motion passed.

Diane Elliott: Application for a variance from Article 7 Table 2 of the Northfield Zoning Ordinance to allow a camper trailer to be located within the setbacks on East Side Drive (Tax Map R8 Lot 69) in the Conservation Zone.

After review of the application, Brian Brown moved, seconded by Bob Southworth to accept the application as complete. Motion passed. Diane Elliott presented photos of the property showing the location of the railroad, the access road and the abutting properties which are on the east side of Sandogardy Pond road on a private road. Her property is a narrow lot that makes it impossible to build without being within setbacks. There is currently a small camper on the property that is not connected to power and there is no septic system. Diane has tried over the years to determine whether a septic system could be installed on the lot without success. This application is asking to allow a 26' camper without septic as the camper has a holding tank.

Jacqueline Roy questioned the ability to place a camper within 50 feet of shoreline because of DES Shoreline Protection regulations. Diane responded that DES could make an exception to the regulations because of the undersized lot although she didn't think a movable camper would be considered an impervious surface. Bob Southworth noted that the camper couldn't be occupied for more than 90 days at a time. Diane responded that she is asking to make a camper legal so that she can sell the property at some point. She added that she wants to protect the pond but has been paying taxes for 25 years and can't use the property. She added that the existing cottages are very close to the water with one being only 6 feet away.

Public Hearing: Robert Dorey, abutter commented that he believed allowing a camper would affect the value of the camps around this property. Janet Dorey added that the applicant was not allowed to have a trailer on the property in the past and felt it would look like a trailer park if allowed. Diane Elliott expressed concern about being able to use her property and asked if she could build a small camp. She explained that her family had developed the camp lots and this property was left undeveloped. She has tried to find a way to build a camp on the property with no luck and this would be the best use of the property to allow the camper without a septic system which would be close to the pond. Public hearing closed.

Board members discussed how this application fits within the Zoning Ordinance, whether it would be a permanent single family dwelling, whether it meets the requirements of Article 10 which allows storage of a camper that is not being used. Article 10.1d also allows someone to stay in a camper for up to 90 days but this is when there is already a dwelling on the property. Jacqueline Roy again stated that she believes a Shoreland Protection permit would be required as it would be considered a shelter with the intent to be left permanently. Keith Murray suggested

that the application could be approved with no utilities. Brian Brown questioned it being a permanent structure since it can be moved. He also commented that there have been right of way issues with the railroad in the past and that boundary should be determined.

Keith Murray summarized the Board's concerns as:

- Shoreland Protection permit required
- The determination of the rail road right of way
- Frontage requirements
- Set back requirements

He added that existing cottages are close to the water and the applicant has been paying taxes for 25 years, but the abutter objects to a permanent camper on the lot. He said the Board needs to balance landowner needs with the Zoning Ordinance's intent to protect the pond by including it in the Conservation District and the concerns of the neighbors. Bob Southworth commented that even though the other camps are grandfathered, there has never been a camp on this lot so it wouldn't be grandfathered and it doesn't meet 3 out of 4 setbacks. Jacqueline Roy added that the application asked to grant a variance for a building on a lot that doesn't allow it which is difficult because of the other grandfathered cottages. Brian Brown reminded members that this property was owned by the family before the regulations making it useless existed.

The criteria for a variance were reviewed.

1. Granting this variance would not be contrary to the public interest because it is not permitted permanently, but Brian Brown suggested it could be used weekends only for instance.
2. Granting this variance would be contrary to the spirit of the Northfield Zoning Ordinance because the intention is to keep structures away from the pond and not have dense population.
3. Granting the variance would do substantial justice as it would allow the owner to use the lot.
4. The abutters believe that granting the variance would diminish the values of the surrounding properties.
5. Not granting the variance could create an unnecessary hardship. Bob Southworth agreed that it could be a hardship as the owner has paid taxes for years. Jacqueline Roy pointed out that taxes would be much higher if there were a building on the lot and it can be used for seasonal recreational purposes as it is.

Brian Brown quoted Article 10.1c that states that a camper can be stored/parked on a property as long as it is mobile and not connected to utilities. He added that the owner can store the camper there anyway without a variance, why couldn't she use it on occasion? Bob Southworth reminded the Board that an occupancy permit would be required for it to be used. Jacqueline Roy added that Article 10.1d means that a camper can be used for a temporary guest use when there is already a dwelling on the property. It also requires an occupancy permit and would require a Shoreland Protection permit. She moved, seconded by Brian Brown, to deny a variance

from Article 7 Table 2 of the Northfield Zoning Ordinance to allow a camper trailer to be located within the setbacks on East Side Drive (Tax Map R8 Lot 69) in the Conservation Zone because it doesn't meet the side setbacks and granting the variance would be contrary to the spirit of the Northfield Zoning Ordinance. Motion passed.

Meeting adjourned at 8:15 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 02-22-2016