

**Town of Farmington
Zoning Board of Adjustment Meeting
356 Main Street, Farmington, NH 03835
Thursday, May 5, 2016**

BOARD MEMBERS PRESENT:

Elmer Barron, Chairman
John Aylard
Joe Pitre
Paul Parker

BOARD MEMBERS ABSENT:

Joanne Shomphe

TOWN STAFF PRESENT:

Liz Durfee, Interim Planner

OTHERS PRESENT:

Sharon Glidden
Malcolm Glidden
Lynn Elmore

BUSINESS BEFORE THE BOARD:

Review of Minutes:

March 3, 2016

Motion: *(Pitre, second Parker) to approve the minutes as written passed 3-0-1 (Parker abstained).*

Election of Board Officers:

Chairman Barron called for nominations for Chairman.

Mr. Aylard motioned to nominate Mr. Barron for Chairman; 2nd by Mr. Pitre. There were no other nominations. The motion passed unanimously.

Chairman Barron called for nominations for Vice Chairman.

Mr. Parker motioned to nominate Mr. Aylard for Vice Chair; 2nd by Mr. Pitre. There were no other nominations. The motion passed unanimously.

Chairman Barron called for nominations for Secretary.

Mr. Parker motioned to nominate Mr. Pitre for Secretary; 2nd by Mr. Aylard. There were no other nominations. The motion passed unanimously.

CONTINUED CASES:

APPLICATION WITHDRAWN: Application for a Variance from Article 2.00 Section 2.01 (B) Space and Bulk Standards- (Agricultural Residential District) and Sections 4.05 (B) (Standards- Lancelot Shores Overlay District) by Danford Wensley, agent (Tax Map R06, Lot 130): To allow the subdivision of a 0.4 acre parcel with 142 feet of frontage to create two (2) parcels. Minimum lot size is 3 (three) acres and minimum frontage is two hundred fifty (250) feet. Parcel is owned by Joseph R. Renzullo Living Trust and located at 273 Camelot Shore Drive.

Ms. Durfee reported she received an e-mail notification that the applicants have chosen not to pursue the application for a variance and the application was withdrawn. No action was taken by the board.

NEW CASES:

Application for a Variance from Article 2.01 Section (B) Space and Bulk Standards-(Agricultural Residential District) by Malcolm Glidden (Tax Map R-58, Lot 9) : To allow the subdivision of a 10.4 acre parcel with 440 feet of frontage to create two (2) parcels. Minimum lot size is 3 (three) acres and minimum frontage is two hundred fifty (250) feet. Parcel is located at 173 Hornetown Road.

Mr. Glidden provided a sketch of the proposal and a photo of the property to the board. He said he plans to subdivide his 10.4 acre property to create a three acre lot so that his daughter can build a home. The current lot has 440 feet of frontage and the subdivision would create two lots, one with 250 feet of frontage and one with 190 feet of frontage. All of the abutters have been notified he said.

Chairman Barron then asked the board to review the criteria for a variance.

1. The variance will not be contrary to the public interest.

Discussion included the proposal would not infringe upon the neighborhood or the general public and there was a second house there previously. The application stated a small house existed on the lot for approx. 50 years until it was torn down about 11 years ago. The Planner's Review stated the proposed subdivision will not threaten the health, safety or general welfare of the public or significantly alter the character of the neighborhood. Consensus of the board is the application meets criteria one.

2. The spirit of the ordinance is observed.

Discussion included the lot has already been used as a house lot, the proposal keeps open spaces and the rural character, there is ample acreage for the subdivision but not enough road frontage. The application stated since the lot previously contained a house, septic system and driveway before minimum frontage requirements existed the intent for the property was to be used as a house lot. The Planner's Review stated the proposal would not result in overcrowding and the use is permitted within the district. Consensus of the board is the application meets criteria two.

3. Substantial justice is done.

Discussion included the support of keeping families together and the loss to the family is not outweighed by the gain to the general public. The application stated the property has been in the family for about 70 years and their daughter has always hoped to move back to the family property. The Planner's Review stated the applicant's son owns the property adjacent to the proposed new lot and that the applicant also

tried to find other alternatives such as boundary line adjustments between the family lots to create lots with adequate frontage, but it was not possible. Consensus of the board was the application meets criteria three.

4. The value of surrounding properties is not diminished.

The application stated a new home and new landscaping would enhance the value of this and surrounding properties. The Planner's Review stated a new home will fit within the character of the area and visual impacts will be minimal. Consensus of the board was the application meets criteria four.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Discussion included the ordinance created the hardship, the applicant won't be able to get a mortgage without a variance, the proposal is a reasonable use, the frontage is short by 60 feet (24%) and if financial considerations constitute a hardship. The application stated the two houses already existed when the ordinance was adopted and there were no road frontage requirements before the ordinance was adopted. The Planner's Review said the frontage of nearby lots varies from 150 feet to over 700 feet. She wrote that the criteria could be met if there are special conditions that distinguish the property from the other properties in the area. The board could consider special conditions such as the existing old home and driveway, wooded nature of the property and the adjacent property is owned by the applicant's son. Consensus of the board was the application meets criteria five.

Additional discussion included there are no wetlands on the property, financial considerations can be part of a hardship determination, the proposal is an offshoot of "mother-in-law" apartments, the existing driveway would be used and the applicant plans to build a stick built house.

There were no further comments from the applicants.

Mr. Pitre motioned to accept the application for a variance as presented; 2nd by Mr. Aylard. The motion passed unanimously.

Any Other Business to come Before the Board:

Clarification of Financial Impacts on Hardship Determinations:

Chairman Barron said he would like a better understanding of the whether the board must consider financial impacts in determining an unnecessary hardship, what percentage of the decision it should be and if it should ever be the sole factor in the hardship determination. He added the previous discussion with the town attorney was held during a non-meeting and no minutes were kept for him to review. Ms. Durfee said she would obtain a clarification from the attorney.

OEP Seminar:

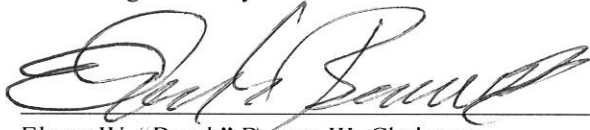
Mr. Pitre requested information on when the next seminar for Planning and Zoning Board members will be held by the state Office of Energy and Planning. Ms. Durfee said she will attempt to obtain the requested information.

Adjournment:

Mr. Aylard motioned to adjourn the meeting; 2nd by Mr. Pitre. The motion passed unanimously at 7:45 p.m.

Respectively submitted,

Kathleen Magoon
Recording Secretary

A handwritten signature in cursive script, appearing to read "Elmer W. Barron III", written over a horizontal line.

Elmer W. "Butch" Barron III, Chairman
Zoning Board of Adjustment