

# **Lyndeborough Zoning Board of Adjustment**

## **May 12, 2015**

### **Meeting Minutes**

#### **FINAL**

**Roll Call:** Chairman Tom Chrisenton, Vice Chair Karen Grybko, Wally Holt, Lee Mayhew, Alt. Scott Roper and Alt. Gary LeBlanc.

Not present: Member Rick Roy therefore Mr. LeBlanc will sit on the board.

Meeting called to order at 7:00 p.m.

Appointment: **Ray E. Hutchinson, Case 2005-1**

Mr. Hutchinson is seeking a variance for a two-lot subdivision, Lot 250-12 on Center Road, which is 10.4 acre and is seeking relief on the following regulations:

-408.0: Reduce road frontage from 500 feet to 377.45 feet and 324.64 feet.

-409.0: Reduce requirement of installing a town road to town standards.

Dawn Tuomala from Monadnock Surveying was present along with Ray Hutchinson and his daughter Christy Hutchinson.

Ms. Tuomala made a presentation which included maps illustrating the two possibilities for driveways and road frontage.

A discussion was had if it would be a public right-of-way or a road and if the land would be taxable.

The lot has two approved curb cuts issued by NH DOT.

Ms. Tuomala informed the Board it will cost \$70,000 to construct the road which would be about 190 feet and a "road to nowhere".

The definition of frontage was read from section 200.11.

Frontage: The continuous length of a lot boarding on the public right-of-way.

408.0 Driveways regulations was read.

Soil Based Zoning requires five acres and 500 feet road frontage. The lot has severe soils. A discussion about soil based zoning continued.

Mr. Chrisenton spoke on behalf of the Board and felt the subdivision meets zoning standards.

The applicant was informed they can't ask for a hardship when the subdivision creates the hardship.

The town of Lyndeborough does not have to accept the road nor the right-of-way. The road status was discussed.

Dawn Tuomala felt the road should to be deeded the town, otherwise that land goes in limbo and it is not a right-of-way or frontage.

The Board felt this was going in contrast to zoning.

Dawn Tuomala reviewed the maps. According to map 75% of lands is in Rural Lands One. With the soils maps and anything slight or moderate is in Table 11, which is septic or lagoons. She discussed that septic systems are designed much better than in the 1980s when the soil maps were created.

She felt this makes a Rural Lands One property have to adhere to Rural Lands Two standards. "In this case, giving the typography and shape of the lot, and giving the shape, it does not make sense to put a house anywhere else but in the front," explained Dawn Tuomala.

The Board questioned why she is not happy it meets zoning regulations. Ms. Tuomala felt it does not make sense to have a strip of land in the middle and they should be able to get relief from the frontage requirement.

**VOTE: Lee Mayhew made a motion to accept the plan as presented just creating a right-of-way per section 200-11 public right-of-way, which does not require road construction. The lots comply with Soil Based Zoning. Wally Holt seconded the motion. The motion passed 5-0.**

**VOTE: Lee Mayhew moved for the record, that paragraph 409.00 of the Town of Lyndeborough Zoning is not applicable or appropriate to this case. Gary LeBlanc seconded the motion. The motion passed 5-0 in favor.**

The case Ossipee vs Gillespie from about 1979 was mentioned to review.

#### **ELECT OFFICERS**

**VOTE: Lee Mayhew made a motion to appoint Tom Chrisenton to continue as chairman of the ZBA. Karen Grybko seconded the motion. Motion passed.**

**VOTE: Lee Mayhew nominated Karen Grybko to continue as Vice-Chairperson of the ZBA. Wally Holt seconded the motion. The vote was 4-0 in favor.**

**VOTE: Lee Mayhew made a motion to appoint Rick Roy to continue as secretary of the ZBA. Karen Grybko seconded the motion. Motion passed 5-0.**

**Zoning Board of Adjustment**

Five members voted to three-year terms. Members as of the 2008 Election.

|                |                   |
|----------------|-------------------|
| Karen Grybko   | Term Expires 2018 |
| Lee Mayhew     | Term Expires 2018 |
| Rick Roy       | Term Expires 2016 |
| Tom Chrisenton | Term Expires 2017 |
| Wally Holt     | Term Expires 2017 |

Alternates

|              |                   |
|--------------|-------------------|
| Scott Roper  | Term Expires 2016 |
| Gary LeBlanc | Term Expires 2016 |

**OTHER BUSINESS:**

The Board had a quick and informal discussion on the growth ordinance and healthy growth. They also discussed the large lot subdivision and some past zoning.

**MEDICAL WAIVER**

The form will be update for distribution at the next meeting.

It was discussed when an applicant has a medical waiver, some information has to be available in order to get the scope of the request/need.

**Adjourn.**

**VOTE: Lee Mayhew made a motion to adjourn at 7:58pm. Gary LeBlanc seconded the motion. Motion passed.**

Respectively Submitted,

Kathleen Humphreys