

TOWN OF LYNDEBOROUGH
Zoning Board of Adjustment
March 27, 2018
Minutes

Approved on 5-15-18

7:00 PM

Roll Call: Chairman Karen Grybko, Tom Chrisenton, Lisa Post and Linda Anderson. Vice Chair Rick Roy is not present.

Alternate Linda Anderson will sit on the Board.

CASE 2018-1: Schoen: Lot 206, Map 010

Residents Chris Schoen and Sandy Schoen of 913 Mountain Road applied for a variance, Section 702.3 to build a timber frame sugarhouse 45 feet from center of the stone wall boundary.

The applicant looked at the deed which indicated the boundary was the northern edge of Mountain Road. They based the setback from the deed and from the far edge of the rock wall. Mr. Schoen met with Lyndeborough's Code Enforcement Officer Ed Hunter before he proceeded with the site work and after the site work was completed. The underground electric has been buried while crushed stone was put in place for the foundation. Upon inspection, Mr. Hunter measured from the center of the stone wall which resulted in a 5-foot shortfall. If the building is moved 5-feet the electrical panel would be in the middle of the doorway. Chris Schoen indicated it would be a financial hardship to rehire the excavator and purchase another load of stone.

"By stone wall, northerly side of said Mountain Road" is quoted from the deed. It was noted; the stone wall is wide and has been disturbed over time. Mr. Schoen measured from the other side of the stone wall. The board discussed measuring from the certified survey.

Tom Christenson read a copy of the state law on hardship as explained in subparagraph A, which is one of the five conditions that have to be met.

"Land Use Planning and Regulatory Powers, Section 674:33-Powers of the Zoning Board of Adjustment."

"If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, that property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it."

Chris Schoen indicated the property slopes down and gets wet at the base of the slope. To move the building further towards the steep slope would result in extra excavation cost and excessive expense. The building was put where Mr. Schoen thought he had a 50 foot buffer.

Criteria #5: Hardship

VOTE: Tom Chrisenton made a motion the applicant proved that because of the extra cost of the slope of the land the application meets the hardship criteria. Linda Anderson seconded the motion. Motion passed unanimously.

Criteria #4: Values of surrounding properties are not diminished

The property is on a rural dirt road with a lot of trees and pastures. The sugarhouse will be used as a family operation and the Schoens do not feel it would diminish the neighborhood.

VOTE: Lisa Post made a motion the applicant met the criteria that the surrounding property values would not be diminished because of the proposed sugarhouse. Linda Anderson seconded the motion. Motion passed unanimously.

Criteria #3: Substantial justice is done

VOTE: Lisa Post made a motion to accept Criteria # 3 that substantial justice is done. Linda Anderson seconded the motion. Motion passed unanimously.

Criteria #2: Spirit of the intention

The reasons were unnecessary hardship.

VOTE: Tom Chrisenton made a motion to accept the justification for Criteria #2; Spirit of the Intention. Linda Anderson seconded the motion. Motion passed 4-0.

Criteria #1: Waiving the terms would not be contrary to...

VOTE: Tom Chrisenton made a motion to approve Criteria #1. Lisa Post seconded the motion. Motion passed 4-0.

The variance for application 2018-1 was granted.

Mr. Schoen can pick up the decision by next Thursday.

Minutes:

VOTE: Lisa Post moved, Tom Chrisenton seconded to accept the minutes of June 29, 2017 as written. Motion passed 3-0.

New Business:

Full Member Vacancy:

VOTE: Karen Grybko nominated Linda Anderson to be a full ZBA Board Member to fill the vacancy. Lisa Post seconded the motion. Motion passed 3-0.

Alternate Member Vacancy:

Pam Altner expressed an interest in being an alternate ZBA Member and is present tonight.

VOTE: Lisa Post nominated Pam Altner to be on the ZBA as an alternate member. Karen Grybko seconded. Motion passed unanimously.

Pam Altner was instructed to meet with Town Clerk Trish Schultz to be sworn-in.

Chairman Grybko reported that Geoff Brock expressed interest as a ZBA alternate.

Adjourn:

VOTE: Tom Chrisenton moved, Linda Anderson seconded to adjourn at 7:34 pm. Motion passed unanimously.

Respectfully submitted,

Kathleen Humphreys
ZBA Secretary

Approved. Sent to Town Hall to be posted on 5-17-18

