

# TOWN OF RAYMOND

## Zoning Board of Adjustment Agenda

June 28, 2023

Raymond High School, Room 109, 45 Harriman Hill Rd.

6:30 pm

### Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. \**

1. **Pledge of Allegiance**
2. **Ethics Training**
3. **Public Hearing-**

**Application 2023-003:** Applications for two variances have been submitted by Nathaniel Swift on behalf of Kelby Ferwerda. The first application is to request a variance from Article 15, Section 2, Sub Section 3 All existing lots of one-third acres (14,520 sq. ft.) or less shall meet the setback requirements of Zone A(not serviced by Town water, front, side, & rear setbacks of 30 feet). The second application is to request a variance from Article 15, Section 3, Sub Section 2 All lots containing Zone G land shall comply with the frontage and setback requirements of the underlying zone as set forth in Section 15.1 **and shall have minimum wetland setback of 75 feet**, except a minimum wetland setback of 25 feet shall apply to lots that contained an approved structure with a drinking well or municipal water hookup and an approved working septic system on record at date of adoption on record as of March 14, 2023 (03/23). The property is identified as Raymond Tax Map 40-3, Lot 191 , located on Maple Lane and in Zone B.

4. **Approval of Minutes**
  - **05/24/2023**

5. **Other Business**

- Staff Updates –
- Board Member Updates
- Any other business brought before the board

Note: If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.

**TOWN OF RAYMOND**  
**Zoning Board of Adjustment Agenda**  
**June 28, 2023**  
**Raymond High School, Room 109, 45 Harriman Hill Rd.**  
**6:30 pm**

**6. Adjournment of Public Meeting (NO LATER THAN 10:00 P.M.)**

**2023 PUBLIC HEARING DATES AND APPLICATION DEADLINES**

<b>BOARD OF ADJUSTMENT (Public Hearing- 4<sup>th</sup> Wednesday)</b>	
<b>Public Hearing Date</b>	<b>Application Deadline</b>
June 28, 2023	May 24, 2023
July 26, 2023	June 28, 2023
August 23, 2023	July 26, 2023
September 27, 2023	August 23, 2023
October 25, 2023	September 27, 2023
November 15, 2023**	October 25, 2023
December 27, 2023	November 15, 2023
January 24, 2024	December 27, 2023

\*\*NOTICE MEETING DATE CHANGE DUE TO NIGHT BEFORE HOLIDAY\*\*

Note: If you require audio or visual aids, please contact the Selectmen’s Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.



**Town of Raymond**  
**Zoning Board of Adjustment**  
**Order Granting or Denying a Variance**  
Application # \_\_\_\_\_

The Zoning Board of Adjustment for the Town of Raymond, New Hampshire, having held a public hearing on \_\_\_\_\_ to consider an application for a Variance of \_\_\_\_\_ . This application was submitted by \_\_\_\_\_ for the property located at \_\_\_\_\_. Having heard all the arguments presented at the hearing, the Zoning Board of Adjustments makes the following FINDINGS OF FACT, and draws the following CONCLUSIONS to each of the required criteria:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes \_\_\_\_\_ No \_\_\_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes \_\_\_\_\_ No \_\_\_\_\_

The CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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3. Did the Applicant provide proof that demonstrates how a variance will result in substantial Justice? Yes \_\_\_\_\_ No \_\_\_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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4, Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes \_\_\_\_\_ No \_\_\_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area?

Yes \_\_\_\_\_ No \_\_\_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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b. Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes \_\_\_ No \_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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c. Did the Applicant demonstrate that the proposed use is a reasonable one?

Yes \_\_\_ No \_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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**OR**

5B, Did the Applicant demonstrate that, if the criteria in subparagraph 5A above are not established, an unnecessary hardship exists if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. Yes \_\_\_ NO \_\_\_

This CONCLUSION is based on the following FINDINGS OF FACT, BECAUSE OF:

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THEREFORE, based upon the foregoing, and all the evidence in the record, IT IS ORDERED) that the application for a variance be GRANTED / DENIED by a vote of \_\_\_\_\_ for/ \_\_\_\_\_ against/ \_\_\_\_\_ abstain.

If granted, it is subject to the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Zoning Board of Adjustment



Application 2023-003

Side line wetland



# TOWN OF RAYMOND

Community Development Department  
Office of Planning & Zoning  
4 Epping Street  
Raymond, NH 03077

Tel: (603) 895-4735  
Fax: (603) 895-0903  
http://www.raymondnh.gov

## Application for a Variance

### Site Information

Property Address: Lot 40-3-191

Map #: 40-3 Lot #: 191

### Property Owner Information

Name: Kelby Ferwerda Phone: 603-997-6559

Address: 2 Maple Lane

Address: Raymond, NH 03077

### Applicant/Agent Information

Name: Nathaniel Swift Phone: 603-662-0675

Address: 27 Chestnut Street #304

Address: Exeter, NH 03833

### Complete the Following

A variance is being requested from Article 15, Section 1.3 of the Town of Raymond Zoning Ordinance in order to construct a single family, residential dwelling. Please see attached. Additionally, relief is sought from 15.3.2.

### Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

1) Granting a variance would not be contrary to the public interest because: Please see attached.

2) Granting a variance would be consistent with the spirit of the ordinance because: Please see attached.



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3) Granting a variance would do substantial justice because: Please see attached.

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4) Granting a variance would not diminish the values of surrounding properties because: Please see attached.

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5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Please see attached.

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b. The proposed use is a reasonable one because:

Please see attached.

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6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how 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, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.



**A variance is being requested from Article 15, Section 1 of the Town of Raymond Zoning Ordinance in order to:**

Construct a single family home on lot 40-3-191. Lot #191 is a grand-fathered, single family, residential lot of record of 0.174 acres which was originally sold and created as a buildable lot. Article 15, Section 2.3 imposes, "Zone A," setback criteria for lot #191. We desire a variance from the, "Without city water," sideline setback criteria of 30 feet to allow the, "With city water," sideline setback of 10 feet applied to this lot. Since lot #191 is, on average, 55 feet wide, strict application of the 30 foot sideline setback criteria would prevent the use of this lot for its intended use as a single family residential lot. Moreover, Article 15 has inhibited building on this lot that was previously buildable, as it is a lot of record.

**Facts in Support of Granting the Variance:**

**1) Granting a variance would not be contrary to the public interest because:**

The regulated variance will not unduly and in a marked degree conflict with the ordinance, nor violate basic zoning requirements. As to the, "With city water," sideline setbacks, granting the variance will not conflict with the basic zoning intent of providing potable water to residences for several reasons.

1. The location of the residence's well will comply with state regulations as to the setback from all surrounding property septic systems.
2. The residence's well will be a bedrock well with a steel casing and the casing will be sealed to the bedrock to prevent infiltration of overburden water.
3. Advances in technologies make on site single family water treatment systems for pollutants (both biological and environmental) normal and routine.

These extenuating circumstances serve to effect the protections that the, "Without city water," setbacks seeks to ensure. Further, to protect abutters' sources of potable water, we will install a state-of-the-art, "Aerobic Treatment Unit," effluent treatment system. Per the EPA, Aerobic Treatment Unit systems, "Use many of the same processes as a municipal sewage plant, but on a smaller scale." Effluent is processed through an aerobic process by injecting oxygen into the system while utilizing multiple chambers. Effluent is sanitized through the use of ultraviolet lights before being processed through a leach field. The effect of these systems is to remove organic matter from the wastewater, prior to the waste water reaching the leaching field. At entry of the leaching field, the wastewater is 98% pure, returning a staggeringly lower amount of organic material to the ground when compared to traditional septic systems.

**2) Granting a variance would be consistent with the spirit of the ordinance because:**

The spirit of the ordinance clearly understands that there are existing lots of record, as reflected by Section 15.2.3 and 15.2.5 of the Ordinance. The spirit of the ordinance promotes health and safety, economic and social well being of the community, to protect natural resources, to prevent overcrowding of land, and to facilitate the adequate provision of transportation for water and sewerage. All of the above will be complied with by granting relief from, "No Town Water Service," setback ordinance.

To promote health, safety and adequate provisions of transportation of water and

sewerage, The proposed septic design, building and well are in compliance with the New Hampshire Department of Environmental Services (NHDES) regulations. Additionally, NHDES has also issued a Shoreland Impact Permit (#2023-00931) approving the proposed building on said lot, to be in compliance with their wetlands and shoreland protection regulations.

Economically, a new home would be added to the neighborhood of equal or higher quality than those preexisting. This would ensure property values would not be impacted in a negative manner. Lastly, nearby and abutting lots are of smaller size with larger houses, creating higher lot loading than the proposed structure. Of abutting lots within the neighborhood, the average lot size is 7,231 square feet with the structures utilizing an average of 17% of their lots. The proposed structure will exist on a lot that is 7,590 square feet and utilize 12% of the lot. To this point, the usage of this lot for a single family home is on par with the density of the neighborhood.

**3) Granting a variance would do substantial justice because:**

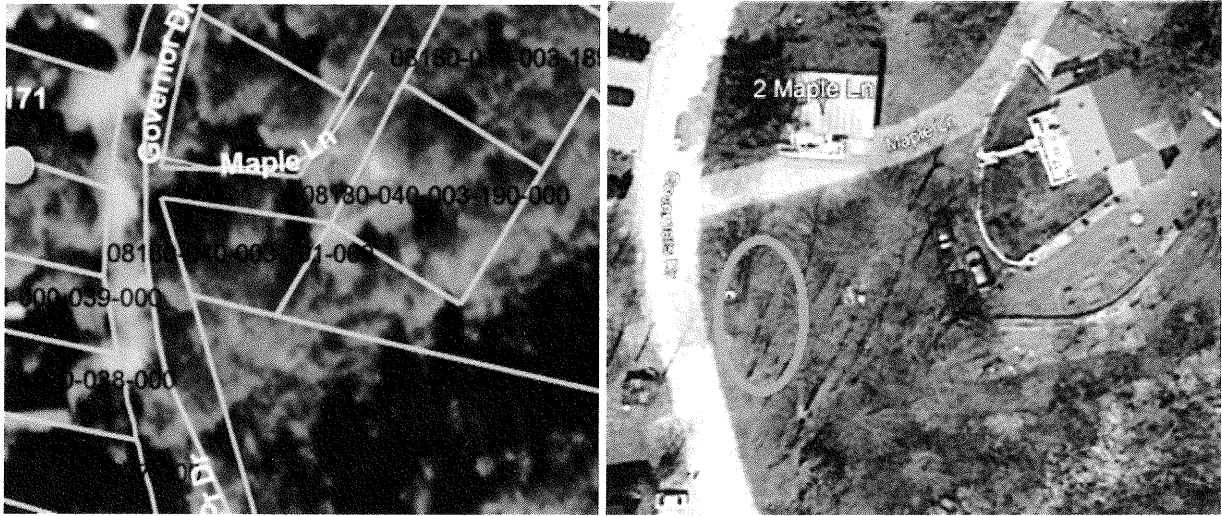
Substantial justice will be done as granting the variance will not cause harm to the public that outweigh the benefits to land owner. Conversely, if the variance is not granted, there would be a substantial loss to the land owner that is not outweighed by the gain to the general public. The proposed variance will allow construction of a single family dwelling in a neighborhood of similar single family homes, on similar sized lots. The proposed dwelling would cover less of the lot (as a percent of the land covered by the structure) than the majority of the abutting homes. Additionally, immediate abutters have been consulted with and kept up to date on the potential development of this lot. All immediate abutters are not against the building, or promote the construction of a single family home on this lot. Please see the table below concerning lot size and lot loading of preexisting surrounding properties.

Address	Lot Size (sq. ft.)	Structure Size (ft.)	Structure Sq. Footage	Percentage of Lot
Lot 40-3-191	7,590	24x38	912	12%
33 Governors Drive	4,791	41x20	820	17%
1 Maple Lane	9,583	34x32, 20x10, 12x20	1,528	16%
2 Maple Lane	7,319	34x38	1,292	18%
17 Quinlan Farm Road	175,111	32x32	1,024	1%

**4) Granting a variance would not diminish the values of the surrounding properties because:**

Building a new home and related landscaping will enhance the neighborhood and will improve values. The location of the house on lot 40-3-191 would not impact any site lines of any abutter. The proposed structure is to be of the same use as the neighborhood. The lot currently is filled with brush, debris, yard waste and trash that has collected over the years due to neighbors dumping yard waste on the lot. This area would be cleaned and replaced with a new

home, with new finishes and tasteful landscaping. Please see the example below outlining the area of dumped debris.



**5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...**

**A. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

As noted earlier, the purpose of the Zoning Ordinance is to promote the health, safety, economic and social well-being of the general public. The setback requirements for lots serviced by town water are less-strict than those not serviced by town water due to the lessened impact from sewer systems when compared to traditional septic systems. Due to technological changes as previously mentioned in residential waste-water treatment systems, the impact of constructing a single-family dwelling that utilizes an aerobic septic system would be of similar impact to a similar-sized lot serviced by town water. Given the lessened impact of an advanced septic system and a deep rock well, the impact will more closely match a home serviced by town water, and therefore should be held to similar setback standards. Moreover, the addition of advanced potable water treatment systems remove any bacteria that could inadvertently penetrate into drinking, as noted above.

This lot was subdivided and sold as being buildable in 1956 within the Brisse Estates subdivision, of which predates the adoption of zoning ordinances that deemed the lot unbuildable. This neighborhood consists of many homes on small lots, all of which were originally buildable or were deemed buildable at one point or another. For this reason, this lot should be considered for relief from the specified zoning ordinance as the entire neighborhood surrounding the lot has been built to completion. Therefore, this lot should be approved for building as the preceding houses in the neighborhood were.

**B. The proposed use is a reasonable one because:**

The proposed use for lot 40-3-191 is reasonable as it is in line with the constructs of the neighborhood consisting of single family dwellings, of similar size and quality. This lot resides in Zone B, Residential. Article 14, Section 2 allows residential dwellings to exist in Zone B. The use is consistent with all the abutters and neighborhood. The setbacks allowed for "Serviced by Town Water," is consistent with or better than the existing abutters, or other homes within this neighborhood that pre-dates the zoning ordinance.



# TOWN OF RAYMOND

Community Development Department  
Office of Planning & Zoning  
4 Epping Street  
Raymond, NH 03077

*Zone G wetland stack*

Tel: (603) 895-4735  
Fax: (603) 895-0903  
<http://www.raymondnh.gov>

## Application for a Variance

### Site Information

Property Address: Lot 40-3-191  
Map #: 40-3 Lot #: 191

### Property Owner Information

Name: Kelby Ferwerda Phone: 603-997-6559  
Address: 2 Maple Lane  
Address: Raymond NH, 03077

### Applicant/Agent Information

Name: Nathaniel Swift Phone: 603-662-6675  
Address: 27 Chestnut Street #304  
Address: Exeter NH, 03033

### Complete the Following

A variance is being requested from Article 15, Section 3.2 of the Town of Raymond Zoning Ordinance in order to Construct a single family, residential dwelling. Please see attached.

### Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

1) Granting a variance would not be contrary to the public interest because: Please see attached.

2) Granting a variance would be consistent with the spirit of the ordinance because: Please see attached

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3) Granting a variance would do substantial justice because: Please see attached.

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4) Granting a variance would not diminish the values of surrounding properties because: Please see attached.

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5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Please see attached.

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b. The proposed use is a reasonable one because:

Please see attached.

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6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how 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, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.





**A variance is being requested from Article 15, Section 3.2 of the Town of Raymond Zoning Ordinance in order to:**

Article 15, Section 3.2 adopted two months ago states that building, "Shall have minimum wetland setback of 75 feet." This pertains to the definition of Zone G land per Article 4, Section 9.3.4 of which is defined as, "Poorly drained or very poorly drained soils." It is sought to have relief from this zoning ordinance for a single family dwelling to use the previously long established 25 foot setback from wetlands. Given the lot size of 0.174 acres, the 75 foot setback rule adopted on March 14th, 2023 would inhibit execution of the intended use of lot #40-3-191.

Lot #40-3-191 is a grandfathered, lot of record. We contracted survey, wetlands, engineering, septic design and shoreland protection experts to complete the permit approval processes for this lot began prior to the 75 foot setback ordinance was adopted on March 14th, 2023. The original denied building permit from the Town of Raymond was executed on July 21st, 2022. The above processes take time and out of respect for the Zoning Board of Adjustment's time, it was necessary to ensure a complete application prior to submitting an Application for Variances. During this time period of expert's efforts, the zoning ordinance changed requiring this additional variance to be sought.

**Facts in Support of Granting the Variance:**

**1) Granting a variance would not be contrary to the public interest because:**

There is presently a large area of dumped yard waste, trash and other debris located on the lot in question, that begins approximately 10 feet from poorly draining soils. Construction of a single family home would require removal of said waste to a licensed waste disposal facility, of which would promote the public's interest to protect sensitive soils located on the abutting lot. Moreover, lot #40-3-191 was historically used as a overflow parking area and storage for 2 Maple Lane, due to the small lot sizes adopted for Brisse Estates subdivision, circa 1956. This increases the risk of automotive fluid spills. The proposed structure would include a garage, thus containing an impervious concrete barrier for any potential hazardous fluids from leaching into the ground near wetlands. If a single family home is not constructed and relief is not granted from this ordinance, the lot could not be used for its intended purpose.

**2) Granting a variance would be consistent with the spirit of the ordinance because:**

The spirit of the ordinance is to protect the health, safety, economic and social well-being within the town of Raymond. The lot has an approved Shoreland Impact Permit (#2023-00931) from NHDES. This permit was approved based on engineered plans to mitigate any building byproduct infiltration into wetlands through the usage of silt fences, berms and limiting tree removal consistent with the state laws designed to protect shorelands, rivers and wetlands. The requirement of a Shoreland Impact Permit is consistent with the spirit of the ordinance as it is to protect the health and safety of local residents and the natural environment. This permit recognizes that health and safety are a concern, and creates a plan to mitigate potential

contamination issues and negative impact to the environment as the spirit of the ordinance promotes. It should also be noted that lot #40-3-191 is the last intended building lot located on the back side of Brisse Estates that abuts Leonard Farms estates. A single family home on this lot would complete the buildout of the neighborhood.

There is currently unsightly debris located on the lot which resulted from years of the lot being used as a neighborhood dump for yard and other debris. Creating a home with new finishes of like or higher quality than the surrounding neighborhood would remove the unsightly debris that could potentially lower surrounding property values. Additionally, a home constructed on this land would compliment other single family dwellings, of same use and function as the land was intended for.

Socially, abutting property owners have been consulted with throughout the surveying, engineering, shoreland protection, and septic design process. Abutting neighbors are overall in favor of the proposed structure on this lot.

### **3) Granting a variance would do substantial justice because:**

The change of rule for Article 15, Section 3.2 would deem the lot unbuildable. This lot was originally sold as a buildable residential lot in 1956. The adoption of the change of rule circa March, 2023, occurred after the current land owner purchased the lot. Before the change, a variance would not have been required as applicable to this ordinance as the proposed structure would comply with the then existing 25 foot setbacks from wetlands. By denying building on this lot due to this rule change, it creates financial hardship as the buildable envelope becomes 0 feet, given the dimensions of this lot. The financial hardship imposed on the land owner outweighs the benefit to the public. The proposed structure would remain further away from wetlands than similar neighborhood properties, be consistent with current DES regulations and create better conditions than pre existing within the neighborhood.

### **4) Granting a variance would not diminish the values of the surrounding properties because:**

The surrounding properties would not be negatively affected economically as the proposed structure is of the same use, with like or better build quality and newer than the surrounding properties. This lot also backs up to a large, 4 acre lot with the existing single family abutting home not being visible from lot #40-3-191. Moreover, removal of unsightly decaying trees and tasteful landscaping would add an attractive benefit to the neighborhood.

### **5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...**

**A. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

Lot #40-3-191 was originally sold as a buildable lot in 1956. This lot was historically

bought and sold as a buildable lot, but was not built on as the residents of 2 Maple Lane enjoyed using the lot for recreation and overflow parking. Historically, zoning ordinances in the Town of Raymond were not adopted until 1996, 40 years after this lot was subdivided. Setbacks from wetlands was not a factor in the buildability of this lot for 67 years, until the change of Article 15, Section 3.2. The residences within the neighborhood, on average, utilize more percentage of their lots with structures than the proposed structure. No fair or substantial relationship exists between the general public purposes of Article 15, Section 3.2 and the lot in question because the lot preexisted the adoption of this ordinance, and all lots within the neighborhood were successfully built on prior to change of this ordinance.

The purpose of Article 15, Section 3.2 is to limit potential contamination of sensitive soils such as wetlands. An Aerobic Treatment unit will be installed to treat sewage waste from the single family home. This system produces water that is 98% pure of organics, before the water reaches the Effluent Disposal Area (EDA). Traditional septic systems utilize the EDA to process organic-filled water by simply returning it to groundwater. Filtration of the organics is created by the materials and soils located within and below the EDA. By treating water prior to reaching the EDA, it mitigates the risk of contaminating the abutting wetlands. These applicable wetlands exist more than 75 feet from the proposed septic field. Additionally, an impervious concrete foundation will be utilized under the proposed home. Executing literal enforcement of Article 15, Section 3.2 would result in an unnecessary hardship as the structure of the home itself is surrounded by an impervious barrier. The most-impactful structure would be the septic field, of which would exist more than 75 feet from the applicable wetlands.

**B. The proposed use is a reasonable one because:**

The proposed use of this lot is for a single family dwelling, of like kind, quality and size that is consistent with the neighborhood. Significant steps have been taken to properly treat sewage waste so that the water returning to the ground is 98% pure before being returned to the EDA for final processing. Shoreland protection plans have been enacted to mitigate the potentially negative impacts of construction consistent with all state and federal regulations.

To Whom It May Concern,

I, Kelby Ferwerda, owner of lot 40-3-191, a pre-existing non-conforming lot in the town of Raymond, NH, grant permission to Nathaniel Swift to seek variance from setbacks pursuant to Article 15:1.

Sincerely,

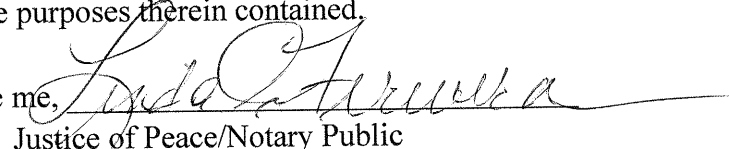


KELBY FERWERDA 7/2022

STATE OF NEW HAMPSHIRE

On this 20<sup>th</sup> day of July, 2022, personally appeared Kelby Ferwerda, known to me or satisfactorily **proven** to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

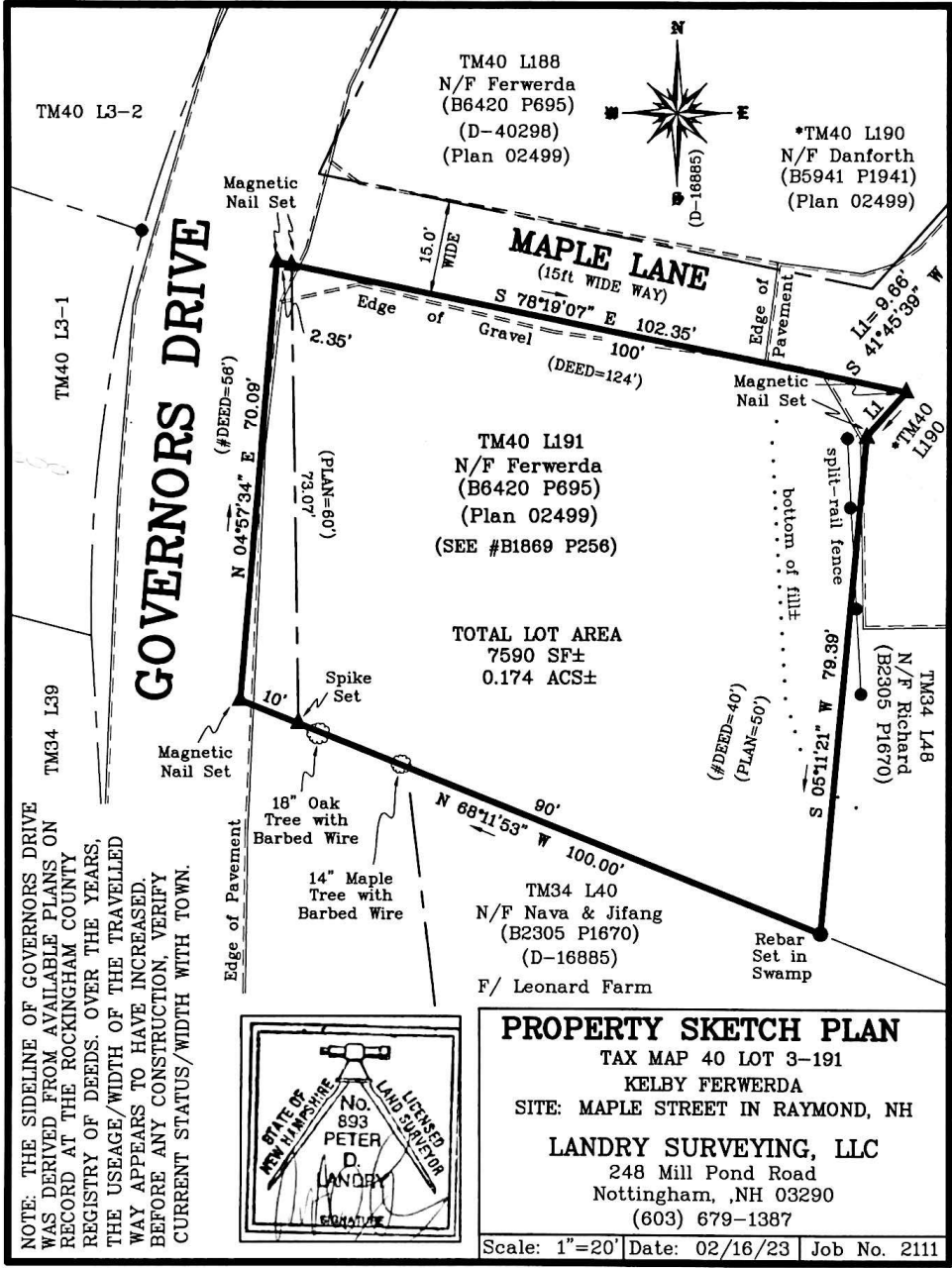
Before me,



Justice of Peace/Notary Public

My Commission expires:

**LINDA A. FERWERDA, Notary Public**  
**My Commission Expires February 5, 2025**





# TOWN OF RAYMOND

Building Department  
 Office of Code Enforcement  
 4 Epping St Raymond, NH 03077  
 Phone: 603.895.7020 • Fax:  
 603.895.7064

<http://www.raymondnh.gov>



## MAJOR BUILDING PERMIT

### 24 Hour Notice Required for Inspections

Street Address of Project <b>Map 40, Book 3, Lot 191</b>	Zoning <b>B</b>	Map & Lot <b>40-3-191</b>
<b>PROPERTY OWNER(S)</b>		
NAME <b>Kelby Ferwerda</b>		
ADDRESS <b>2 Beech Street Extension, Newmarket NH, 03857</b>		
PHONE <b>603-997-6559</b>	Email Address <b>Kelby.Ferwerda@gmail.com</b>	
<b>CONTRACTOR</b>		
NAME <b>Kelby Ferwerda</b>		
ADDRESS <b>2 Beech Street Extension, Newmarket NH, 03857</b>		
PHONE <b>603-997-6559</b>	Email Address <b>Kelby.Ferwerda@gmail.com</b>	
<b>GENERAL</b>		
Type of Building (Steel/ Wood) <b>Wood</b>	Total Square Footage <b>1500</b>	
Number of Stories <b>2</b>	Size of Electrical Service Entrance <b>200 amp</b>	
Occupancy (Use Group) <b>Single Family Residential</b>	Occupancy Load (Commercial only)	
Flood Exposures: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Aquifer Protection <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Automatic Sprinklers: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Design	Demand	
NHDES Septic Approval #	Dig Safe #	
NH Energy Code Application for Certification of Compliance #		
Driveway Permit: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Date	Property Monuments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>TOTAL ESTIMATED COST OF CONSTRUCTION: \$ 130,000</b>		
<b>**PLANNING BOARD**</b>		
Subdivision Approval: Yes <input type="checkbox"/> No <input type="checkbox"/> Date		
Waivers Granted: Yes <input type="checkbox"/> No <input type="checkbox"/> If so, what:		
<b>**ZBA**</b>		
Any variances, special exceptions, etc. granted: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so: Article		Section
<b>**WETLANDS**</b>		
Any wetland crossings or setbacks: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Is this property in the Shoreland Protection District: Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>		

<b>PERMIT NO.</b>	Amt \$ _____ Ck # _____ Date _____ Rec By _____
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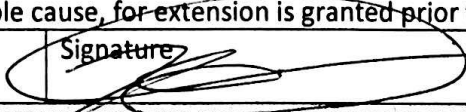
**APPLICANT**

I acknowledge the Raymond building requirements. All buildings, structures, renovations and alterations shall comply with the requirements of the NH State Fire Code and NH State Building Code in force at the time application for a permit is made to the Building Inspector. R301.2.1: Wind – 90 mph; R301.2.3 Snow – 60 lbs/sq ft; seismic requirements Zone "C". A foundation certification is required for all new construction. All setbacks from boundary and wetlands shall be shown. Corner monuments (granite or iron rod) must be set on a certification plan showing where they were found.

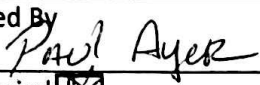
*NOTE: The 2009 IRC specifies that automatic sprinklers are required in all one (1) and two (2) family homes, which precipitated some building construction requirements. The NH State Legislature has passed legislation to hold the installation of automatic sprinklers in abeyance for one (1) and two (2) family homes, the 2006 construction features (framing and gypsum) will apply.*

NH RSA 676:13 III "The building inspector shall adopt a form or set of standards specifying the minimum contents of a completed application for any building permit. Upon the submission of a completed application, the building inspector shall act to approve or deny a building permit within 30 days; provided, however, that nonresidential applications or residential applications encompassing more than 10 dwelling units shall be approved or denied within 60 days."


Work must commence within 180 days, or if work is suspended or abandoned for 180 days, permit becomes void. Unless a written request, showing justifiable cause, for extension is granted prior to expiration. [R105.5]

Name (Print) Kelby Ferwerda	Signature 	Date 7/20/2022
--------------------------------	--	-------------------

**TOWN OF RAYMOND BUILDING DEPARTMENT**

Application Received By 	Date 28 / July / 2022
--	--------------------------

Approved <input type="checkbox"/> Denied <input checked="" type="checkbox"/>	Date
--	------

Signature: 	Date 21 / July / 2022
---	--------------------------

**Complete Application Packet MUST contain:**

Certified Site Plan – (min. 17"x 22") to include all boundary lines, setbacks, existing and/or proposed building(s), septic system, wetlands, well and other pertinent information to show compliance/ non-compliance with Raymond Zoning Ordinances.

Construction Plans – two sets (min. 17"x 22") {stamped by a NH licensed design professional if total square footage exceeds 2500 sq ft}

EC-1 or Rescheck      [ ] Digsafe Ticket

Septic Install application

Driveway Permit application– State approval (if required)

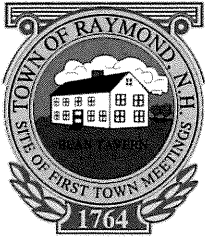
**Other Required Permits:**

- Electrical
- Plumbing
- Mechanical
- Occupancy

**Permits that MAY be required (not an inclusive list):**

Sign, home occupation, swimming pool, sprinkler system, woodstove, standby generator






# TOWN OF RAYMOND

Community Development  
Office of Code Enforcement  
4 Epping St Raymond, NH 03077  
Phone: 603.895.7020 ■ Fax: 603.895.7064  
<http://www.raymondnh.gov>

## CODE OFFICIAL'S DENIAL BUILDING PERMIT OR USE

Property Owner Kelby Ferwerda		
Name of Appellant Nathaniel Swift		
Location: TBD Maple Lane	Map Lot 40-3-191	Zoning B
Date Denied July 21, 2022		
Your application for a building permit/use has been denied due to a violation of the following: <b>Raymond Zoning Ordinance: 15                      Article 15                      Section 1</b> <b>Subsection</b>		
Minimum side setback has to be 30 Feet Zoning Ordinance Table 15.1.3		
<i>Note: You may apply to the Zoning Board of Adjustment for: Appeal of An Administrative Decision, Variance, Special Exception and/or Equitable Waiver of Dimensional Requirements.</i>		
<b>FOR OFFICE USE ONLY</b>		
Signature – Code Enforcement Official 		Date 24 May 2020
ZBA Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
Signature – ZBA Chairman		Date

List of Abutters to Lot 40-3-191

Applicant:

Nathaniel Swift  
27 Chestnut Street #304  
Exeter, NH  
03833  
MBLU: 40-3-191

Soil Scientist:

Luke Hurley  
8 Continental Drive Unit H  
Exeter, NH  
03833

Abutters:

Anthony Luis Nava and Yin Jifang  
17 Quinlan Farm Road  
Raymond, NH  
03077  
MBLU: 34-0-40

Harry Richard  
62 Harriman Hill Road  
Raymond, NH  
03077  
MBLU: 34-0-48

Cynthia and Stephen Danforth  
1 Maple Lane  
Raymond, NH  
03077  
MBLU: 40-3-190

Kelby Ferwerda  
2 Maple Lane  
Raymond, NH  
03077  
MBLU: 40-3-188

Matthew and Ashley Hawkins  
P.O. Box 308  
Dover, NH  
03821  
MBLU: 34-0-39

Updated Abutter List

DANFORTH, CYNTHIA & STEPH  
1 MAPLE LANE  
RAYMOND, NH 03077

RUNCIE, EDWARD J  
3 MAPLE LANE  
RAYMOND, NH 03077

DUGAN ROMBOLI, DOREEN  
CASEY A. DUGAN  
32 PROSPECT STREET  
EVERETT, MA 02149

NATHANIEL SWIFT  
27 CHESTNUT STREET #304  
EXETER NH 03833

FALLON, MARGUERITE A. REV  
MARGUERITE A. FALLON / TR  
29 GOVERNORS DRIVE  
RAYMOND, NH 03077

LUKE HURLEY  
8 CONTINENTAL DRIVE UNIT H  
EXETER NH 03833

FERRARO, NINA A.  
THOMAS P. HARPER JR.  
27 GOVERNORS DRIVE  
RAYMOND, NH 03077

LANDRY SURVEYING LLC  
248 MILL POND ROAD  
NOTTINGHAM NH 03290

FERWERDA, KELBY  
2 MAPLE LANE  
RAYMOND, NH 03077

V. W. DINGMAN CONSULTING  
P.O. BOX 127  
HAMPSTEAD NH 03841

FITZGERALD TRUST OF 2015  
EILEEN CARYL FITZGERALD /  
16 GOVERNORS DRIVE  
RAYMOND, NH 03077

HAWKINS FAMILY REVOCABLE  
MATTHEW & ASHLEY HAWKINS/  
P.O. BOX 308  
DOVER, NH 03821-0308

NAVA, ANTHONY LUIS  
JIFANG YIN  
17 QUINLAN FARM ROAD  
RAYMOND, NH 03077

RICHARD, HARRY C  
SALLY E RICHARD  
62 HARRIMAN HILL ROAD  
RAYMOND, NH 03077

ROMBOLI, LYNNE T.  
35 GOVERNORS DRIVE  
RAYMOND, NH 03077



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



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**SHORELAND IMPACT PERMIT 2023-00931**

**NOTE CONDITIONS**

**PERMITTEE:** KELBY FERWERDA  
2 MAPLE LN  
RAYMOND NH 03077

**PROJECT LOCATION:** MAPLE LN, RAYMOND  
TAX MAP #40, LOT #191

**WATERBODY:** GOVERNORS LAKE

**APPROVAL DATE:** MAY 16, 2023

**EXPIRATION DATE:** MAY 16, 2028

---

Shoreland Permit Application 2023-00931 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

**PERMIT DESCRIPTION:**

Impacts of 2,058 square feet of protected shoreland in order construct a new 2 bedroom dwelling on a pre-existing nonconforming lot of record, with a new septic system and a new drilled well.

**Impervious Surface Percentage Approved:** 11.7%

**Natural Woodland Area Required per RSA 483-B:9, V, (b):** 0 square feet.

**THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):**

1. All work shall be in accordance with plans by V. W. Dingman Consulting dated March 10, 2023 and received by the New Hampshire Department of Environmental Services (NHDES) on April 18, 2023 pursuant to Env-Wq 1406.15(f).
2. Work shall be conducted in accordance with the communications and guidance regarding the consultation request for (NHB23-0745) as required by Env-Wq 1406.12(g).
3. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau as required pursuant to RSA 483-B:6, I(c).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
5. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:**

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

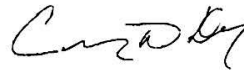
TDD Access: Relay NH 1 (800) 735-2964

3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700, and the requirements in Env-Wq 1404.01(a) and(b).
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:

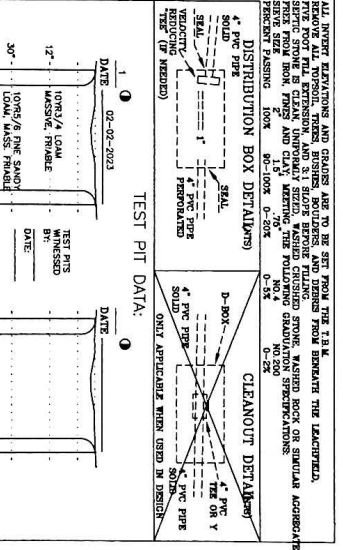
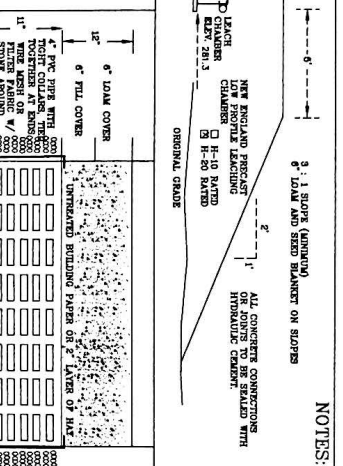
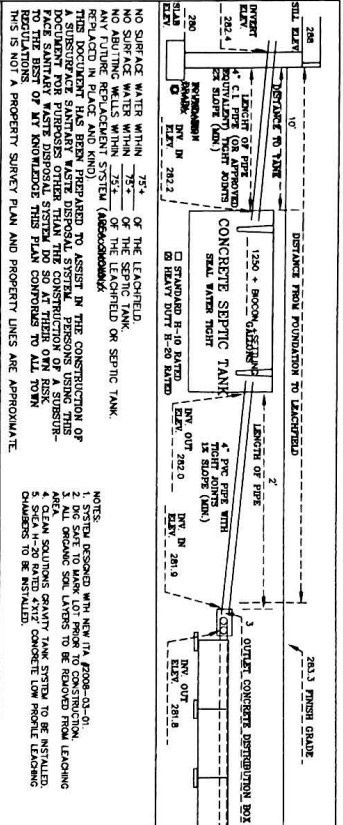


Craig W. Day  
Shoreland/Shoreline Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division

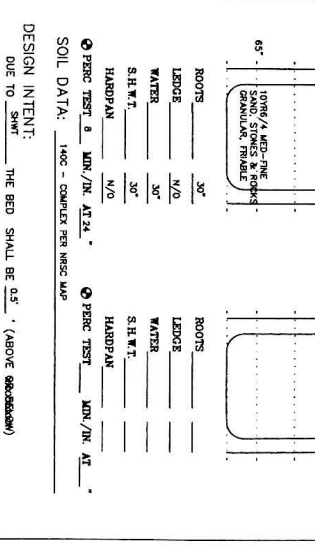
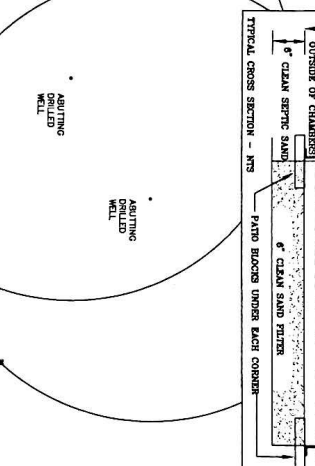
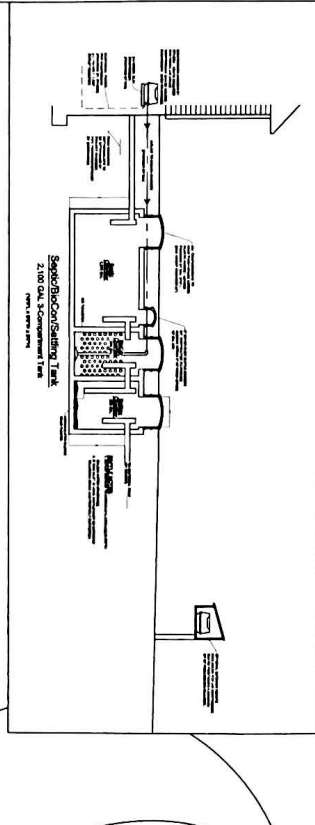
**THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE PARTIES BELOW (Env-Wq 1406.21(c))**

\_\_\_\_\_  
PERMITTEE SIGNATURE (required)

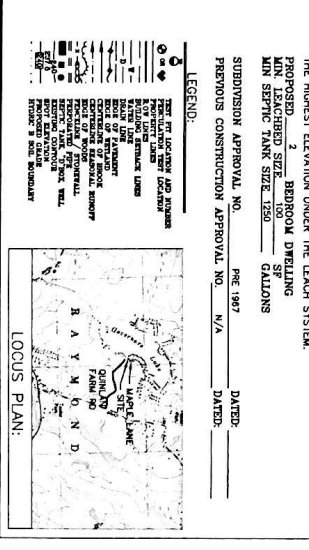
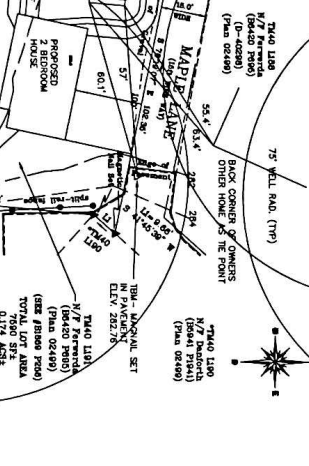
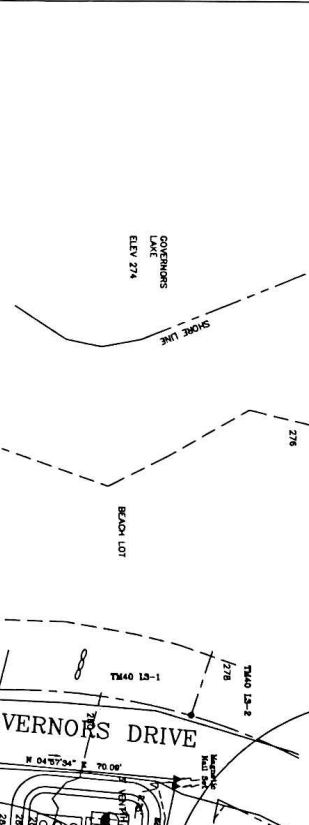
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PRINCIPAL CONTRACTOR SIGNATURE (required, if any)



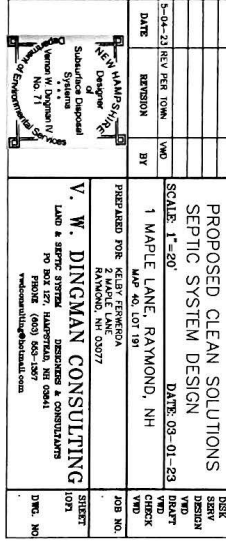
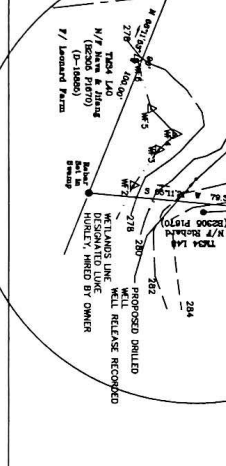
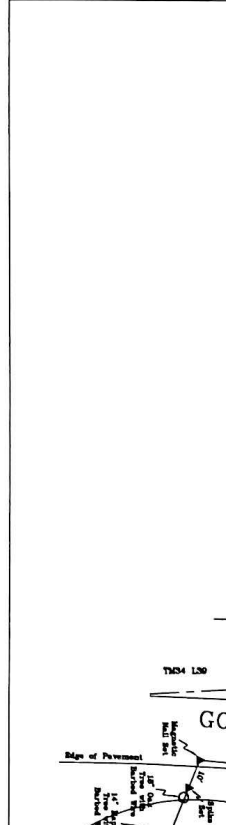
**NOTES:**  
 ALL INVERT ELEVATIONS AND GRADES ARE TO BE SET FROM THE T.B.M. BEHIND THE LOT TOPSOIL. THESE SETTING BOLLERS, AND DEBERS FROM BENEATH THE LEACHFIELD. ALL CONCRETE COMPONENTS SHALL BE SET WITH HYDRAULIC CEMENT. ALL CONCRETE COMPONENTS SHALL BE SET WITH HYDRAULIC CEMENT. ALL CONCRETE COMPONENTS SHALL BE SET WITH HYDRAULIC CEMENT.



**NOTES:**  
 NO SURFACE WATER WITHIN 75' OF THE LEACHFIELD. ANY FUTURE REPLACEMENT SYSTEM (ABOVEGROUND) SHALL BE REPAIRED IN PLACE (AND KIND). THIS DOCUMENT HAS BEEN PREPARED TO ASSIST IN THE CONSTRUCTION OF THE SEPTIC SYSTEM. IT IS NOT A PROPERTY SURVEY PLAN AND PROPERTY LINES ARE APPROXIMATE.



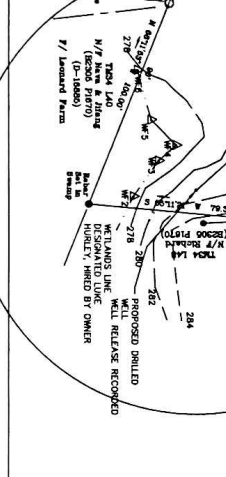
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**DESIGN INTENT:**  
 1. THE BED SHALL BE 0.5' (ABOVE 08000000)  
 2. THE HIGHEST ELEVATION UNDER THE LEACH SYSTEM.  
 3. PROPOSED 2' BEDROOM DWELLING  
 4. MIN. LEACHFIELD SIZE 1200 GALLONS  
 5. MIN. SEPTIC TANK SIZE 1200 GALLONS

**LEGEND:**  
 1. 4" PVC PIPE WITH 1/2" COIL TOOTH COLLARS, THIN WALL, 10' LENGTHS AT 20' ON CENTER  
 2. 1/2" PERFORATED POLYPROPYLENE FILTER FABRIC V. COOL WATER, 10' LENGTHS AT 20' ON CENTER  
 3. 6" CLEAN SERTITE SAND  
 4. 6" CLEAN SAND FILTERS  
 5. 6" CLEAN SERTITE SAND  
 6. 6" CLEAN SAND FILTERS



DATE	REVISION	BY	PREPARED FOR	DATE
5-04-23	REV PER TOWN	WVD	1 MAPLE LANE, RAYMOND, NH 03077	03-01-23

**V. W. DINGMAN CONSULTING**  
 LINDA S. SEPTIC SYSTEMS  
 RAYMOND, NH 03077  
 PHONE: (603) 865-3307  
 FAX: (603) 865-3307  
 WWW.VWDINGMAN.COM

Erosion and Sedimentation Control Plan

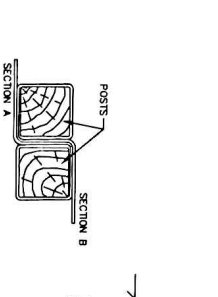
In designing the proposed project, certain measures will be implemented to minimize erosion and sedimentation. The implementation could occur on the surrounding resource areas, including the site, the construction site, and the surrounding resource areas. The implementation of these measures will be based on the site conditions, the nature of the project, and the surrounding resource areas. The implementation of these measures will be based on the site conditions, the nature of the project, and the surrounding resource areas.

1. The contractor shall have a stockpile of materials to be used for erosion control devices on site. These materials shall include, but not be limited to, haybales, silt fences, and silt socks.
2. The contractor is responsible for on site erosion control and shall utilize erosion control measures as specified on the plan or in the order of conditions. Preliminary Site Work.

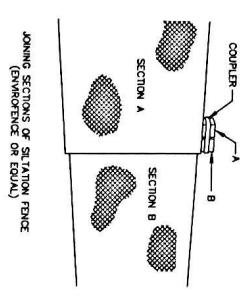
1. The Contractor is to construct a stabilized construction entrance from where the existing pavement is to be removed to the proposed site to prevent the erosion of materials from the site.
2. Haybales that are removed should be stockpiled. Erosion control shall be utilized along the down slope from three weeks. If the pile one to remain for more than three weeks, it shall be replaced.
3. If silt is collected, the installation of supplemental haybale stakes, silt fences, or erosion control devices shall be considered to prevent erosion and sedimentation.

- Landscaping
1. Landscaping shall occur as soon as possible to provide permanent stabilization of all disturbed surfaces.
  2. The Contractor shall utilize a variety of slope stabilization techniques, including, but not limited to, the use of haybales, silt fences, and silt socks. Erosion control shall be installed on all slopes greater than 2:1. Erosion control shall be installed on all slopes greater than 2:1. Erosion control shall be installed on all slopes greater than 2:1.
  3. If the slopes or design weather conditions do not allow the establishment of vegetation, temporary erosion control shall be installed with hay, wood chips, or straw mulch. Erosion control shall be installed on all slopes greater than 2:1. Erosion control shall be installed on all slopes greater than 2:1.
  4. A minimum of 6 inches of topsoil shall be applied and the surface smoothed to the specified grades.
  5. The use of herbicides is strongly discouraged and is prohibited within the groundwater protection zone, for any other restrictions on the application of herbicides in the buffer zone.
  6. Hysterating is encouraged for steep slopes.
  7. No fertilizer is to be used within 25' of the reference line (20' setback line) and only fertilizer according to RSA 423-B:6(d) shall be used.

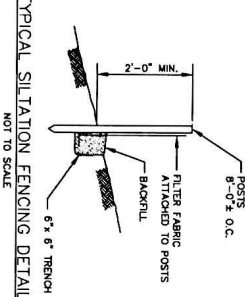
- NOTES
1. PLAN SHOWS ALL EXISTING CONDITIONS AND THE FOOT PRINT OF THE PROPOSED HOUSE AND LEACH SYSTEM AND WELL.
  2. PLAN & NEED REFERENCES:
  3. ROAD DEED BOOK 1869, PAGE 254 MAP 1869.
  4. LAKE IS SHOWN TO HIGH WATER MARK.
  5. NO PROPOSED CHANGES WITHIN THE 50' PRESERVE ZONE, NO CUTTING ETC.



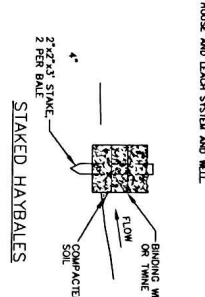
PROPOSED 50 GALLON DOWNSPOUT DRAIN



JOINING SECTIONS OF SITUATION FENCE (EQUIVALENCE OR EQUAL)



TYPICAL SITUATION FENCING DETAIL NOT TO SCALE



STAKED HAYBALES NOT TO SCALE

- PLANT LEGEND: ALL NOTED TREES HAVE THE DBH LABELED IN INCHES BESIDE THE TREE.
- MAPLE TREES
  - WHITE BIRCH TREES
  - RED OAK TREES
  - BLACK CHERRY TREES

- ROOF DRAIN TO BE 4" DIA. HOLE, 4" DEEP LINED WITH GEOTEXTILE CLOTH, BOTTOM WASHED STAKE
- ROOF DRAIN DETAIL - NIS

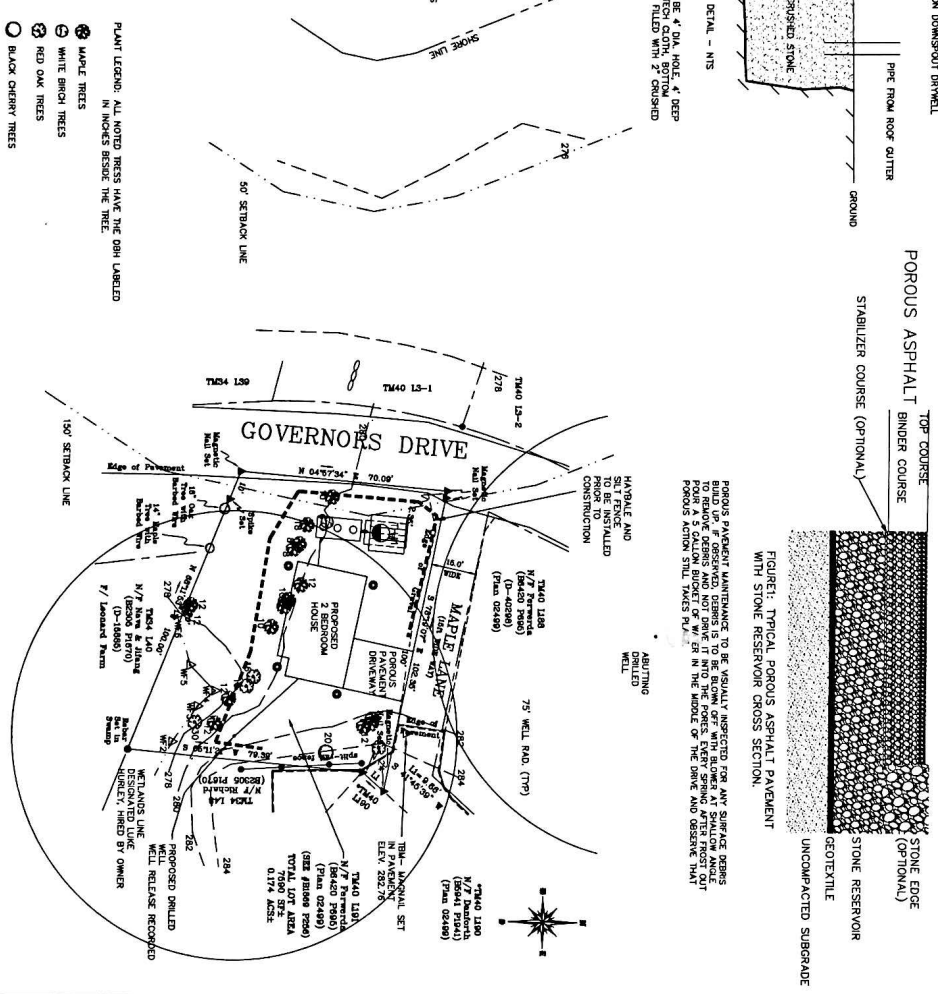
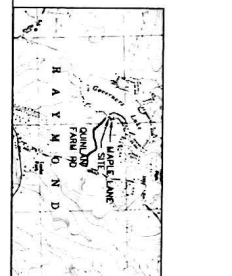


FIGURE 1. TYPICAL POROUS ASPHALT PAVEMENT WITH STONE RESERVOIR CROSS SECTION.



DATE	REVISION	BY	PREPARED FOR	SHEET NO.
			KELLY FERRELLA RAYMOND, NH 03077	1 OF 1
			MAPLE LANE, RAYMOND, NH	1 OF 1
			SCALE: 1"=20'	1 OF 1
			DATE: 03-10-23	1 OF 1
			V. W. DINGMAN CONSULTING	1 OF 1
			LAND & SERVICE SYSTEM ENGINEERS & CONSULTANTS	1 OF 1
			75 PRINCE STREET, RAYMOND, NH 03077	1 OF 1
			PHONE: (603) 552-1897	1 OF 1
			FACSIMILE: (603) 552-1897	1 OF 1
			www.vwdingman.com	1 OF 1

Zoning Board Draft Minutes  
May 24, 2023 @ 7:30 PM  
Room 109 Raymond High School  
45 Harriman Hill Road, Raymond, NH 03077

Zoning Board Members Present:

Keith Smith – Chairman

Tim Cahill - Vice Chair

Paul McCoy - Member

Tom Luszcz – Member

David Hall - Alternate (Seated)

Joyce Wood- Alternate \*arrived at approximately 7:40pm.

Staff Present:

Christina McCarthy - Planning Technician/Tax Collector

Paul Ayers – Building Inspector

**Pledge of Allegiance:** Recited by all in attendance.

**MEETING CALLED TO ORDER:**

**Reorganization of Officers:**

**Tim Cahill nominated Keith Smith for Chairman.**

**Paul McCoy seconded the nomination.**

**Discussion:**

Tom Luszcz said that Trisha Bridgeo had brought up a Selectmen’s meeting pertaining to Chair’s and Vice Chairs that it is always recommended that there is more experience, somebody who has been on the Boards, that have served for a while and understand the responsibilities of the Chair and Vice Chair. It is his recommendation that it be someone with more experience.

Paul McCoy said in response that he does agree with that but in this case Keith has been the Chair a year. Mr. Smith has been to all the meetings. He knows the RSA’s. McCoy feels that Mr. Smith has the knowledge to run the meetings.

Keith Smith said he would accept the nomination.

**A vote was taken.**

**Keith Smith – Aye**

**Paul McCoy - Aye**

**Tim Cahill - Aye**

**Tom Luszcz – Nay**

**The vote was 3 in favor, 1opposed and 0 abstentions.**



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**Paul McCoy nominated Tim Cahill as Vice Chair.  
Keith Smith seconded the nomination.**

**Discussion:  
None**

**A vote was taken.  
Keith Smith – Aye  
Paul McCoy - Aye  
Tim Cahill - Aye  
Tom Luszczyk – Nay**

**The vote was 3 in favor, 1 opposed and 0 abstentions.**

**Roll Call:**

Chris McCarthy, the Planning Tech, Paul Ayers, Building Inspector, David Hall, alternate, Tim Cahill, Vice Chair, Keith Smith, Chair, Paul McCoy, member, Tom Luszczyk, member.

**Public Hearing:**

**Application 2023-001 was withdrawn.**

Application 2023-002: An application for a variance has been submitted to the Raymond Zoning Board of Adjustment by Lamprey Waters, LLC. The intent of the application is to request a variance from Article 2, Section 2.1, Sub Section 2.1.3 To prohibit making pre-existing non-conforming lot more non-conforming by any changes to lot area, frontage, setbacks, or other dimensional requirement of the Ordinance. The properties are identified as Raymond Tax Map 28, Lots 3-48 & 3-49 & Map 27, Lot 4-12, located at 19 Old Manchester Road and all in Zone A.

Mr. McCoy disclosed that he knows the applicant very well through his involvement with the American Legion. The Board agreed that Mr. McCoy did not need to recuse himself if he could be impartial. Mr. McCoy remained seated.

The applicant swore to tell the truth under oath and introduced himself as James Gregoire of Lamprey Waters, LLC which is the holding company of the property and he is also the owner of Little Woods, LLC. Mr. Gregoire said they acquired Mr. Brown's property and the 3 other parcels that come with it. All of the lots are non-conforming. They are planning on taking some of the area from lot 49 and gift it to lot 48 so that that lot can have its septic on its own lot. Right now, the building doesn't even exist on its own lot. Also, they would take some of the existing property and add it to lot 12 to give that lot frontage. Mr. Gregoire thinks by allowing the variance makes the other two lots more conforming.

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**Public Comment:**

Karen Temple, 17 Old Manchester Road, swore to tell the truth.  
Mrs. Temple asked if these homes were going to be homes or businesses?  
Mr. Gregoire said they are going to be residential.

**Public Hearing Continued:**

Mr. Gregoire read the criteria from his worksheet that *the variance is being request to bring two other abutting nonconforming lots more into compliance of current zoning and additionally allow these two lots to be solely independent and free from encumbrances from right of ways and septic easements.* So, each lot would be independent and would be better for better resale.

Mr. Smith said if they grant this they would have to meet all requirement for septic and State, shoreland, setback and the wetlands. They would still have to submit for a building permit. They are simply asking for a lot line adjustment.

Mr. Gregoire said he needs a variance to a non-conforming lot smaller.

Mr. Gregoire read from the worksheet *Granting a variance would not be contrary to the public interest because the largest lot would still maintain a buildable envelope meeting all current setback while enhancing two other lots with frontage where none currently exists and one whose building doesn't even fall within its own lot lines.* The owner owned both lots and built a summer cottage and because they owned both properties it did not matter where they put it. There were no building permits issued, and that why this happened.

*Granting a variance would be consistent with the spite of the ordinance because:*

1. *The sprawling nature of the lots come into more traditional layouts.*
2. *The lots will have their own frontage.*
3. *The lots will have room for their own septic systems.*
4. *The lots will balance out the acreage to more typical zoning conditions.*

*Granting a variance would do substantial justice because:*

1. *It would correct poorly and mismatched layouts of lots.*
2. *Allow reasonable use of lots that is not out of character for the surrounding.*
3. *Allow each lot to function independently of each other.*

138 *Granting a variance would not diminish the values of the surrounding properties*  
139 *because:*

- 140 • *The use would be similar to the density of the community in that area.*
- 141 • *The thoughtful layout improves the quality of the lots and buildability for possible*  
142 *growth.*
- 143 • *The well-designed buildings would complement the ideals of a small New*  
144 *England town.*

145  
146 *The proposed use is a reasonable one:*

- 147 • *Because one of the lots was without frontage and that can now be corrected.*
- 148 • *One of the building that was built was not built within the limits of its own lot.*
- 149 • *The size and shape of the lots are in a more conventional layout.*
- 150 • *All of the lots would now be free of any septic easement needs. So that each*  
151 *septic would be on its own lot.*
- 152 • *With a minor lot line adjustment gives a best possible outcome for existing lots of*  
153 *record.*

154  
155 *Owing to special Conditions of the property that distinguish it from other properties in*  
156 *the area, the property cannot be reasonably used in strict conformance with the*  
157 *ordinance, and a variance is there necessary to enable the reasonable use of the*  
158 *property.*

- 159 • *The lot layout was created pre-zoning allowing for a sprawling and cut up layout.*
- 160 • *Lots all owned by the same family, placed building in disregard to the actual lot*  
161 *lines. Pre-planning.*
- 162 • *Lots were created without frontage allowing access independently of lots owned*  
163 *by the same family.*
- 164 • *Lots were created without regard for future use keeping in mind setbacks and*  
165 *room for properly place septic systems.*

166 Mr. Gregoire said that if you look at lot 49 you could take the narrow piece and give it to  
167 one of the other lots. The design to the Planning Board can be tweaked for this but he  
168 needs the variance to say they can take that land first. The access for lot 49 will be  
169 planned off of Icehouse. They actually own under Icehouse, and they have right of ways  
170 across the property. Ice house is a private road.

171 **Deliberative:**

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173 Tom Luszc said his biggest problem still comes with the little strip there to call that the  
174 frontage. Currently 49 conforms with frontage it is probably the best buildable lot out of  
175 all of them. We are taking away from the lot there to make 48 bigger and to give some  
176 frontage to lot 12. He has a problem with taking away from there. It does improve 48, he  
177 would have to take their word that the septic is good for that area. He has a problem  
178 with the 12 feet right there. Mr. Luszc thinks that they might need some more  
179 variances if they are not going to need a minimum requirement.

180 Mr. Hall said there are no other variances needed. It is up to the Planning Board to  
181 further define it. James has made it clear that this may not even be the final plan that  
182 goes forward. Mr. Hall said they are authorizing him to make lot 49 which is a non-  
183 conforming lot more non- conforming to allow buildable lots that would still be non-  
184 conforming.

185  
186 Mr. McCoy said the only thing that we are concerned with right now is making lot 49  
187 more non-conforming if he can make that work to satisfy and end up with 3 lots. So,  
188 when he goes back to the Planning Board there is a good chance they might send him  
189 back here. By allowing this I think that it will make things better especially since there  
190 are two houses already built.

191  
192 Mr. Cahill said he agrees, and he sits on a lot of hearings about the housing shortage,  
193 and this is a solution by creating housing.

194  
195 Mr. Smith said Personally, I think it's the best use of the property, but it is an uphill  
196 battle.

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198 **Motion:**  
199 **Mr. Cahill made a motion to come out of deliberative.**  
200 **Mr. McCoy seconded the motion.**

201 **Discussion:**  
202 **None**

203  
204 **A vote was taken.**  
205 **Keith Smith – Aye**  
206 **Paul McCoy - Aye**  
207 **Tim Cahill - Aye**  
208 **Tom Luszczyk – Aye**  
209 **Davie Hall- Aye**

210  
211 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

212  
213 **Motion:**  
214 **Mr. McCoy made a motion to allow lot 49 to be more non-conforming as to**  
215 **the direction of the Planning Board and what they need.**  
216 **No one seconded the motion.**  
217 **Discussion:**

218  
219 **Motion:**  
220 **Mr. Hall made a motion saying I concur that as the facts listed are**  
221 **described, there are currently four lots and this one was to still maintain**  
222 **the four lots and allowing the variance for lot 49 to become more non-**  
223 **conforming, but also allowing the other lots to become more to allow the**  
**other lots to maintain their own services is a benefit. For that reason, I**

224 think we should allow that 49 become more non-conforming. I do believe  
225 that the applicant has proved that the variance observes the spirit of the  
226 ordinance due to the sprawling nature of the lots to have developed prior to  
227 our zoning ordinance. And the fact of the matter is there were houses  
228 there. Two houses currently there that he's looking to replace one. The  
229 housing shortage we have I believe that that is all in the spirit of our  
230 ordinance. I also want to say that the findings of fact, again, restate various  
231 results in substantial justice. Yes, it well, if there are four lots currently in  
232 this will allow the four lots to become a more non-conforming in their own  
233 nature, though a lot 49 will be less non-conforming, but for less square  
234 footage, I believe is nearly universally less than 49 more non-conforming,  
235 but only because of the square footage requirements, no other setback in  
236 the frontage. To the outcome, prove that provide proof that demonstrate  
237 the variance and not diminish the value surrounding properties. I say no to  
238 that one. Only because I don't know what the value of the houses is you  
239 can offer that but that's okay. That's not I still think the variance should be  
240 approved. And then little enforcement provision to the ones that result in  
241 unnecessary hardship. Yes, it would result in unnecessary hardship as the  
242 lots are not buildable without the creation of easements in this will  
243 eliminate those needs.

244 Mr. McCoy said the first lot is an empty house that has been empty for  
245 about 20 years and the other house in the middle needs a lot of work.  
246 Anyone going in there is going to upgrade the neighborhood.

247 Mr. Cahill seconded the motion.

248 Mr. McCoy withdrew his original motion.

249 The motion passed with a vote of 4 in favor, 1 opposed, and 0 abstentions.

250  
251 **Approval of Minutes:**  
252 **April 26, 2023**  
253

254 **Motion:**

255 Mr. Hall made a motion to approve the minutes from April 26, 2023.

256 Mr. Smith seconded the motion.  
257

258 **Discussion:**

259 Mr. Luszcz said there are 4 corrections that need to be made.  
260

261 Mr. Hall withdrew his motion. Mr. Smith withdrew his second.  
262  
263

264 **Mr. Luszczyk made a motion to approve the minutes from April 26, 2023, as**  
265 **amended.**

266 **Mr. Hall seconded the motion.**

267  
268 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

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270 **Staff Updates:**

271  
272 Mrs. McCarthy asked the Board when they wanted to do legal training.  
273 Mr. Smith suggested that the training would be June 28, 2023, at 6:00 pm.

274  
275 Mr. Smith requested the 2023 Zoning Ordinance Books.  
276 Mrs. McCarthy noted that they need to be done.

277  
278 There was a discussion about the start time of the meetings.

279  
280 Poll: should they start at 6:30 or 7pm.

281  
282 Mr. Luszczyk said he would say no to 6:30 and agree to 7 pm.

283 Mr. McCoy thinks 7pm is a good time.

284 Mr. Cahill said he would go either way.

285 Mr. Hall prefers 6:30pm.

286 Mrs. Wood was indifferent to the time.

287  
288 **Motion:**

289 **Mr. Cahill made a motion to change the meeting time to 6:30 pm.**

290 **Mr. Hall seconded the motion.**

291  
292 **Mr. Cahill withdrew his motion.**

293 **Mr. Hall withdrew his second.**

294  
295 **Motion:**

296 **Mr. Cahill made a motion to change the meeting time to 6:30 pm and update**  
297 **the rules and procedures to note that start time. Starting on June 28, 2023.**

298 **Mr. Hall seconded the motion.**

299  
300 **The motion passed with a vote of 3 in favor, 2 opposed and 0 abstentions.**

301  
302 **Adjournment:**

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304 **Motion:**

305 **Mr. Hall made a motion to adjourn the meeting.**

306 **Mr. Cahill seconded the motion.**

307 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

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309 **The meeting adjourned at approximately 8:38pm.**

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311 Respectfully submitted,  
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313 Jill A. Vadeboncoeur  
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DRAFT