

NORTH BERWICK PLANNING BOARD
MINUTES OF ZONING BOARD OF APPEALS

July 17, 2023

Present: Chairman Louis Thibodeau, Jr., Todd Hoffman, Rebecca Reed, Norman Clough

Also Present: Matt LeConte, Jim Guy, Mike DeRoy

A. Roll Call:

Chairman Thibodeau called the meeting to order at 6:00 pm.

Chairman Thibodeau moved Norman Clough up to full voting status.

B. Minutes: N/A

C. Current Business:

1. **Public Hearing:**
James W. Guy
Map 4 Lot 59
Single Family Set Back Variance

Jim Guy asked the Board for a set back variance so that he can build a house on his lot. He provided the Board with draft house plans for a two-story house with a garage underneath. He also provided a survey map as well. He would like to go 15 feet from the sidelines. Jim stated that it meets the guidelines in the back and the front, but it does not meet the sides. Rebecca Reed stated that it is a non-conforming lot so the 20% does not apply. Rebecca stated that one of the plans provided was from a house on Cemetery Road in Berwick and asked if the house he was building would be bigger or the same size. Jim stated that the house is a 30 x 48 with a deck.

Matt LeConte stated that this is in the Residential 2 Zoning District which requires 80 feet front yard setback, 60 feet side setbacks and 60 rear setbacks. Matt indicated that it is non-conforming, and it was carved out at some point. Norm Clough asked Jim Guy when he acquired this lot and Jim stated it was about a year ago. Norm asked if there was any concern at that time about being able to build and asked if he was advised about the setback problem at that time. Jim indicated that he assumed he could just obtain a variance from the Town. Matt stated that the Applicant was informed that a survey would be vital to determine the exact amount of variance request and

unfortunately the surveyor did not put the legal envelope space on the plan. He wants to make sure to note the 60-foot sides. He stated the goal is to allow some form of residential dwelling be constructed and not be perceived as a "taking". Matt referenced the requirement of how it will fit into the characteristic of the neighborhood, if there is a pattern or not and is the reduction of 75% reasonable and stated that is the Board's determination. Matt stated that variances in general should not be granted unless there is absolute necessity, and he believes in this case there is necessity. Matt stated that no building permit has been applied for at this time as the first goal is to obtain the variance if possible. Rebecca stated that the lot next door has a dwelling close to the property line on the right side and wondered how concrete these plans are and wondered if the house may be placed in a different way so that it was perpendicular to the road instead of horizontal. Rebecca also asked if the abutters had been notified. Matt stated that everyone within 500 feet had been notified as required by the ordinance. Chairman Thibodeau stated the next-door lot is almost the same size as this one and indicated that before the zoning ordinances were changed in the town many years back, the lots through that area were all small lots.

Chairman Thibodeau inquired about the house plan and Jim indicated it was a house that was similar to the one he wanted to have built on that lot. Chairman Thibodeau noted there were no actual dimensions located on the house plan and indicated the survey map indicates 30 x 48 with a deck that is 12 feet which brings the total out to 60 feet. Jim stated the deck could be smaller if needed. Rebecca indicated that she is not sure that the Board can use the plans provided as they are so different. Todd stated it would be hard to make a decision when they cannot actually see what exactly is being proposed. Matt asked if Jim had an alternate house design and Jim stated he did not bring one.

Rebecca asked that since this is a non-conforming lot, and the sides are not going to be conforming, will he be able to spin the house 90 degrees and the front or back setbacks could be changed. Norm stated a concern he has is that since the houses around this lot are more of one-story cottage style homes, this house seems substantially different than what is in that neighborhood.

Chairman Thibodeau stated the meeting could be tabled until Jim comes back with a different plan and more detailed information.

Todd Hoffman motioned that this matter be tabled until next Monday, July 24, 2023, at 6:00 p.m. Rebecca Reed seconded the motion. VOTE: 4-0

D. Adjournment:

Todd Hoffman motioned to adjourn the meeting at 6:30 p.m. Rebecca Reed seconded the motion. VOTE: 4-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Louis Thibodeau, Jr.

Louis A. Thibodeau, Jr.

Todd Hoffman

Todd Hoffman

Timothy Kezar

Gregg Drew

Rebecca Reed

Rebecca Reed

Norman Clough

Norman Clough