

BOARD OF ADJUSTMENT

April 4, 2023

MEMORIAL BUILDING

7:00 P.M.

Zoning Members present: Tanner Jacques, Rob Thorp, Luke Gorman, Cody Patten and Steve Dzubak

Also present: Josh McGraw, Clayton Platt, Jeremiah Crosby, Judi Shank, Marla Binzel, Christine White, Wayne Smith, Poul Heilmann, Whit Smith, Gene Hayes, Emily Cleaveland, Jocelyn Colena, Sherian Brown (on behalf of Sue-Ann & Audrius Kazenas, Aileen Rutledge and Steve Rutledge

Tanner called the meeting to order at 7:00 p.m. Board members introduced themselves. Tanner welcomed Steve and Luke to the Board, asked if there were any nominations for Chairman, Rob nominated Tanner Steve seconded Board voted unanimously in favor. Tanner asked if there were any nominations for Vice Chair hearing none, he nominated Steve, after verifying that Steve accepted the nomination Rob seconded Board voted unanimously in favor.

Minutes of March 7th approved as written, Luke abstained from the vote as he was not present.

Tanner asked about when the Spring OSI Planning and Zoning Conference was being held. Tamara had not received any correspondence regarding the date. Whit found the date to be the 29th.

7:05 Tanner opened the Special Exception hearing concerning a request by Dana McSherry and Harold Greenfield for a Special Exception from Article 8.11 of the Springfield Zoning Ordinance to construct a deck located 28' from the edge of the Dutchman Pond Rd ROW and a second deck 25' from the South-South-East property line. Property is located at 134 Dutchman Pond Road. Tax Map #12 Lot 516-210. Rob made a motion to accept the application, Luke seconded Board unanimously approved to accept the application. Tanner recognized Clayton Platt (representing the applicate) to speak to the application. The property owners wish to expand the existing deck surrounding the home, 4' on the north side and 2 feet on the south south east side.

Whit asked Clayton to clarify the amount of relief being asked for. 7' on the Dutchman Pond Rd side of the home and 10' on the property line on the south south east side of the house.

Tanner asked if there were any abutters present. Seeing none he asked if any Board member had additional questions for Clayton, there were none. Tanner made a motion to close the hearing, Luke seconded, Board unanimously agreed. Tanner read each of the 5 criteria of a Special Exception and the Board agreed to the explanations provided by Clayton to satisfy each of the 5.

- A. The proposed additions will not be detrimental to the character of the neighborhood. The changes to the building and decks is minimal (210 sq ft additional area). Once construction is complete, it is hard to imagine anyone noticing the extra 4' To the northeast corner of the deck or 2' to the south end of the deck.
- B. The use is not injurious or noxious- it merely adds small amount of width to the existing deck along the house.
- C. The expansion is not contrary to any public health/safety conditions. The construction will be over 100' from the Pond. All work will comply with shoreland permit issued by the NHDES (silt fence, soils stabilization if needed...) There is no change or increase in

- the bedrooms or sewage loading resulting from the proposed renovations.
- D. The location and scope of the expansion is minimal and is in keeping with the conditions in the neighborhood. This is a residential area with relatively modest houses and cottages. The McSherry's want to keep their house in the same style and size as the other houses along Dutchman Pond.
 - E. Granting the Special Exception will not create any conditions objectional to the neighbors. The requested special exception is for +/-50 sq ft of deck. The expansion closest to the road is further from the road than the existing house is now. The expansion to the west is only one foot closer to the side line than the existing deck.

Tanner then made a motion to grant the Special Exception from Dana McSherry and Harold Greenfield to enlarge their deck on the Northwest corner to be no closer than 28' from Dutchman Pond Road and 25' from the south south east corner of the deck to the property line. Steve seconded; the Board unanimously approved the motion.

7:35 pm Tanner opened the Hearing concerning a request by Josh McGraw for a Variance from Article 3.20 of the Springfield Zoning Ordinance to operate an Off Grid Short Term Guest Lodging Facility Business within the Forest Conservation District. Property is located at 679 Old Grafton Rd. Tax Map #46 Lot 702-017.

Tanner recognized Josh and asked him to speak to what he is proposing to do. Josh responded that he is before the Board to obtain permission to continue doing what he has been doing for 8 years; allowing close friends and family to stay in his off grid "shed" on his isolated property in Springfield. The structure is assessed as a shed by the town assessor as there are no other structures to compare it to; there is no running water and no electricity, access to the property is by foot only. Everything needed during the stay (food/water) must be carried in and all trash is carried out. There is a composting toilet in an outhouse type structure. No advertising via social media or any of the short-term rental websites, all stays are by those that Josh knows personally. Occupancy is limited to a maximum of 4 people excluding Josh and his wife. Windy Ledges is the name of the original camp structure of which when guests are visiting the property Josh will be onsite and staying in. This building has highspeed internet for emergency use only. The structure for guests is a new building Josh built located about ¼ mile away. Parking is located 1.5-1.75 miles away on either property owned by Josh or that he has a parking easement on Old Grafton Road. Average number of nights per month will be 2-3 with some months more and some not at all. Each guest signs a waiver of liability form prior to staying on the property.

Tanner asked if any abutters were present.

Clayton Platt spoke in favor of the application that Josh McGraw has presented to the Board.

Tanner then read into the minutes two letters received, the first from the property manager for the owner of Aaron's Ledge.

April 4, 2023

Ms. Susan Chiarella, Chair
Springfield Zoning Board
P.O. Box 22

Springfield, NH 03284

Dear Ms. Chiarella:

I am writing to you in support of Mr. McGraw's application for a Variance to operate an off-grid short-term lodging facility at his property located at 679 Old Grafton Road, tax map 46, 702-017. It is my feeling that this use is appropriate for the Forest Conservation District and would provide a unique opportunity for people to enjoy some of the best wilderness Springfield has to offer. I am in full support of Mr. McGraw's endeavor and would encourage members of the ZBA to grant his Variance.

Sincerely,

Todd Richardson, manager
Aaron's Ledge
Tax Map 40, 713-385

Tanner then read a letter received from Mike Hummel.

04-03-2023,
Zoning Board, Town of Springfield N.H.
RE: McGraw Special exception #2 for an off the grid rental.

Laura and I want to ensure the Zoning Board is aware of our opposition to the McGraw application for a off the grid rental property on Old Grafton Road.

Our concern is additional traffic flow past our home further eroding the truly rural, long established country character of our neighborhood. All vehicles going to the new rental business will have to pass our home twice. It's a dead end-what goes in past us has to go out past us,

The McGraw's already have received a special exception to rent their house at 319 Old Grafton Road, and this has resulted in a doubling of the daily traffic past our home at 206 Old Grafton Road.

If we had known that initial special exception was being applied for, we would have opposed it. This is a rural residential, narrow, dirt, dead end road, with several one lane only stretches. It has limited traffic capacity and has historically been just homeowners using the road with a slight increase in hunting season. We object to the safety issues and nuisance the traffic from additional business ventures will bring

(There was a catering business on our road that minimally increased traffic, but that has been gone for

at least 16 years, well beyond the time where any grandfathering as a business site has expired.)

There are only 4 full time residences on the road, one below us, the MacCreighton's, towards Rt 4a, and 2 above us, the McGraws and Maureen Graham. The other 2 homes are seasonal. Laura and I are the longest term, full time homeowners, having lived there continually over 41 years. The historic rural residential nature, low traffic, and country character of the area is well established.

I hope the Board will ask how many days a year the off grid rental business is proposed to operate? How many folks at a time will it accommodate? Who will enforce any restrictions? How much traffic will this entail? And how many special exceptions and changes to a neighborhood are reasonable?

Finally I would like to point out, on these dead- end back country roads, just because one is not an actual abutter, the impact on quality of life of special exceptions for business can detrimentally impact the long term, home owning residents.

Thanks,

Mike and Laura Hummel

Tanner asked the Board if there were any further questions for Josh, hearing none, Rob made a motion to close the hearing, Luke seconded the Board agreed unanimously. Tanner read each of the 5

1. The unique nature of the activity, location, and very low traffic.
2. The proposed activity will not cause harm to the surrounding properties.
3. The remoteness of the property and the level of traffic is very low.
4. The impact on surrounding properties is very low.
5. Forest Conservation District, activity will not harm the public due to the location. The proposed activity and location are the least noxious of all applications of this type heard by the Board.

Tanner crafted the wording for a motion to grant Josh McGraw a Variance to operate an Off-Grid, Short Term Lodging of guest facilities business within the Forest Conservation District with the conditions of max guest number to be 4 and the owner be on the premise during the rental period. Luke concurred; Rob seconded, the Board approved the motion unanimously.

8:05 pm Tanner opened the hearing concerning an application by Sue-Ann, Audrius Kazenas, and Select Shepherds, LLC for a Special Exception to use their property as a location from which to sell dogs and offer one-on-one and small group dog training classes. The property is located at 373 Hogg Hill Rd in the Rural Residential Zone. Tax Map #10 Lot 098-189

Tanner reviewed the history of the property stating that an application for a Special Exception was received, heard, and denied in 2016. The application in front of the Board currently is in his opinion is more comprehensive than the original. The original application discussed sound mitigation using an acousta fence while the current application is more detailed and has a noise specialist who will create a plan to mitigate noise produced at the location. Moving around the table each Board member shared their thoughts on whether there was enough of a difference. Steve moved to accept the application, Luke seconded, and the Board unanimously agreed to

accept the application. Tanner confirmed with Sheridan Brown that his clients requested to have the hearing begin on May 2nd and that the noise specialist would be at the meeting. Sheridan Brown agreed.

Rob moved to continue hearing to May 2nd, Steve seconded, Board unanimously agreed.

Meeting adjourned at 8:15pm

Respectfully submitted,

Tamara Butcher