

TOWN OF LYNDEBOROUGH

Zoning Board of Adjustment

Meeting Minutes

March 3, 2021

Draft 1

7:00 PM Call to Order & Roll Call
Meeting held at Citizens' Hall, second floor due to COVID-19
This was a hybrid meeting with in-person and Zoom attendees.

Members Present in-person: Chairperson Karen Grybko, Vice Chair Rick Roy, Lisa Post, Linda Anderson, and Ray Humphreys.

Members via Zoom: Alternate Pam Altner, who will not sit on the Board tonight.

Public Present in-person: Applicants Duane and Karen Forleo, Sam Foisie from Meridian Land Services Consultant, abutter Taylor Queen, Michael Forsie, owner of Baldwin Hill Farm, Code Enforcement Officer Leo Trudeau as well as other attendees.

Via Zoom: Abutter John Morrison and Real Estate Agent Kim Spanos who had a signed letter from abutter Ron Cristofono to represent him.

Mark Chamberlain coordinated the Zoom meeting.

New Business:

Case 2021-01

Duane and Karen Forleo, Map 247, Lot 247-33 at 74 Baldwin Hill Road
Seeking Variance 408.00 - Soil Based Zoning

The applicant went to the Planning Board on October 15, 2020 with an "Information Only Discussion" plan for a four-lot subdivision. There was no formal application, abutters were not notified nor a public notice printed in the newspaper or posted in public. The Forleo's were told that plan presented would be a major subdivision. They only had sufficient road frontage for 2-lots (two). An options was to come before the ZBA.

408.00 Soil-Based Zoning Requirements (Overlay District) (3/18/00)

All lots in the Rural Lands 1 or Light Industrial zoning districts with less than 5 acres shall require a minimum of 2 contiguous acres of "slight" and/or "moderate" limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the "Soil Survey of Hillsborough County, New Hampshire", issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland,

ponding (seasonal or perennial) or seasonal or perennial drainageways. Lots of record as of December 15, 1999 shall not be affected by this soil-based zoning for residential usage.

All lots in the Rural Lands or Light Industrial zoning districts with less than 500 foot frontage shall require a minimum of 2 contiguous acres of “slight” and or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough county, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainageways. Lots of record as of December 15, 1999 shall not be affected by this soil-based zoning for residential usage. (3/18/00)

Applicant's Presentation:

Property owner Duane Forleo presentation was transcribed as the following: 801_1861

“We own 41 acres. We call it the old Babson Estate across the street from the Morrison's. We have been here 21 years. We came back to take care of our aging parents who have since passed.”

“We are at a stage in our lives that we are looking to downsize and retire. We have a big home and property to maintain. Lyndeborough is our home. This is where we want to stay ... We want a retirement home, we need a smaller home, all on one floor so as we start to age, we don't get trapped with too much to take care of and too much of a home to deal with. We also want to respect to natural character of the town. We have a beautiful estate and we want to maintain that. We don't want to detract from that. Sam Foisie from Meridian Land helped us and he put a lot of time and effort on how we can maintain the character. In terms of abutters to maintain privacy and maintain the trails.

Sam Foisie, Meridian Land Services:

“This variance is about two long-time Lyndeborough residents retiring and remaining on their property. The site plan that we put together is for them to be able to do that.

“One of the Hurdles to overcome is Soil Based Zoning, specially the second paragraph. We looked at the intent and the spirit in that regulation as it relates to septic absorption fields. Then we looked at what prompts changes from 250 feet to 500 feet of road frontage. What happens with that is it gives the opportunity and protection for those septic fields to be spread apart. I do have an exhibit that explains how we came up with that. It basically spreads it apart by 500 feet, and that is how I came up with the orientation while taking into consideration what Duane and Karen would like. They would like to remain on the backside and have the same picturesque views that they fell in love with and what Lyndeborough offers. That is why their lot would potentially be on the back. Then if you look at the depth of the property, it allows for the septic systems to be spaced in the same exact manner as the ordinance would force the septic systems to be spaced. The ordinance would make them go bi-laterally along by lot frontage. Duane's property allows them to space them perpendicular to the frontage but with the same spacing.”

“We looked through the requirements for a variance and we meet the spirit of the regulation. We do not adversely impact the abutters because of the size of the property. It does not diminish the property values. It does substantial justice because we have a valuable member of 20-years that has the opportunity to remain in this town.”

Duane Forleo: "The track of 41 acres is basically a square. We will separate 15-acres for us, which will be on the north side. Abuts Joanie Lemire, who has been contacted and is in support of our efforts. The main house, which is an estate type of home, will remain on 20+ acres. The five-acre track down in the lower area will be the only home on Baldwin Hill Road with it's own frontage.

"Lots 1 & 2 will have a co-share driveway, up to the point where it splits then crossing going up this lot (lot 2) for the site work to get a driveway over to where we need to be. This particular lot here has no visibility from Baldwin Hill Road (Lot 2). There is no visibility to any of those homes. From Center Road barely visible the corner down here, tucked into the bottom of the hill here. No visibility of the abutters off Perham Corner Road."

"The odd shape lot was a bit contentious. There is a section that goes off the side of the 15-acres that follows the boundary line that goes all the way out to the road. There is some wetlands areas in there. That was the snowmobile trail. Our concern is with our, and our neighbors here can attest to that, we can't walk on Baldwin Hill Road. The traffic that is coming through are not local people. They are people taking short cuts. It is hard to work along the road. It is hard to walk along the street, even though it is a road. The snowmobile trail there is what we want to protect. We want this trail here, it is inactive. It is still a snowmobile trail. It's not used anymore. The snowmobile trail has been relocated and goes basically right down here (shows location on map) and crosses over Perham Corner towards Milford. What we are trying to do, there is no law that property owners have to maintain an open access to snowmobile trails. So technically, we can just settle this and take this 21-22 acre lot and this lot and if somebody says we don't want to have a snowmobile trail, and even for ourselves to be able to enjoy, for snowmobile, snowshoeing, cross country skiing, all the way to Dan Holt's property all the way to Joan Lemire's property. We are trying to use this to buffer against that. It can't be a road. It never will be approved for that. There is wetlands. It's basically a way we can control what is there and preserve it. That is why it's a little bit of an odd shape."

"Basically, all three properties are rectangular. 5-acres, 21-acres, 15+ acres. We think this is a really fantastic use of dealing with the property and to maintain the integrity of it. People who we spoke to and reached out to are our neighbors and friends. We have some here. You are welcomed to also say the pros and cons and we hope it brings value to what we are trying to do here."

Duane Forleo: "The property comes from the north, flattens out, and goes down the hill. This house is sitting just on the ridge of that flat area. Our proposed area here will be a very flat area before it goes down that steep hill. We have plenty of positive opportunity to build nice systems, adequate to support what we are looking for is a two-bedroom home. (Lot 3) As well as this (Lot 2). We are not looking to build 4-5 bedroom home. You call this a subdivision, so I call it a subdivision. This is an estate, so these two homes need to be together as one."

The Five Variance Criteria

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

Sam Foisie felt the plan meets the spirit of the ordinance with the lot configuration, the lot layout and property dimensions allowing septic to have the same potential spacing as the ordinance.

Karen Grybko mentioned that the Planning Board informed the applicants of the Zoning Ordinance requirement that in addition to 5-acers they need to have 500 feet of frontage for each lot. They would need a site-specific soil test to disprove the Hillsborough County Soil map if they did not agree with the soil map.

Sam Foisie felt that in reviewing the ordinance, anything less than moderate soils would require 500 feet on the frontage to space it out. He felt the logical conclusion of the intention and outcome would be to space the frontage out 500 feet.

Karen Grybko said the overlay indicates sever soil, which bumps it into 500 feet and 5 acres. She asked if they are asking for a variance for frontage also.

Mr. Foisie said, "We are asking for a variance from Soil Based Zoning, which would bring them down to the minor frontage requirement of 250 feet. He specified a paragraph in the Zoning as this related to soils as it related to septic. We understand if you don't have the soils you have larger frontage. We are asking because the orientation of the lots."

Rick Roy said his understanding is the soil configuration that brings you to this position and wanted to better understand this. Mr. Foisie explained the maps shows they are moderate with wetlands and the slopes has something to do with a moderate or well-drained soil. He added the manual that references the soil is out of date and he brought a newer version and the State regulations,

Mr. Foisie went to the exhibit map and stated, "If you abide by that ordinance and follow the State regulations, this is representation of a 500 acres lot with a 500 frontage. They would only be 20 feet apart. (flips the map exhibit on its side) If you consider this a whole street and abide by this, you would have an average separate of 500 feet. Using what happens when we follow that ordinance, you separate that septic by 500 feet. This lot layout gives the setbacks at 50 feet. There is well over 500 feet. Duane's property is unique with property far in the back."

Rick Roy said he does not see how the 500 feet and the septic relate to one and another and wondered why the ordinance was designed that way.

Mr. Foisie read Zoning Ordinance 408.00 (*See above*). He consulted colleagues and they felt it related to septic systems when there is more frontage.

Duane Forleo said, "To me the intent is if you are going to shrink your property and going to have it long then you have some way to protect the septic systems. We don't have that problem because we have 20+ acres with a septic system." He discussed the original home with a septic system and a guest house that has an oversize septic system. "Always go larger when possible" was his motto on septic systems. He said he is confident all the systems will perk.

Ray Humphreys wanted to add to Rick Roy's question. He does not interpret soil based zoning as total separation. The spirit of the regulation wants to have a better change of percolation and to be clean rather than hit bedrock. We have to go off this current map unless a site-specific test is done.

Ray Humphreys discussed it is about affluent to go down and not out along the surface. Sam Foisie responded, "If you don't have good enough soil for the affluent to go down, you need to increase your space. If poor soil then you need more lateral? That is what the ordinance is saying

and that is what our site plan is also doing. We came up with a way to increase the frontage to 500 feet. We set it up in case it hits bedrock later on.:

Mr. Humphreys asked about the dark area on the map and are they existing septic systems. *Mr. Forleo approached the table to review the map with Mr. Humphreys, had a quiet conversation until asked to speak to the room.*

Mr. Foisie explained the map shows the septic system behind the house. It was built in the mid-80s. The well is 1,000 feet and the septic system is now off to the side of the stone wall. The house has two (2) 1,000 gallon septic tanks. They have it emptied every three-years and it has never failed.

The Guest House has an oversized septic system and it has never failed. Mr. Forleo said they have never hit ledge up there with all the work they have done on the property, rocks but no ledge.

"The five-acre lot is steep but levels off nicely. We are confidence there is space for septic. For the new proposed home, the property comes from north and down then flattens out then goes down the hill. This house is sitting just on the edge of the flat area. Proposes property will be in a flat area before it goes down the steep hill. We have a positive area to build a two (2) bedroom home. We are not looking to build 4-5 bedroom homes. This is an estate. These two homes needs to be together as one, so we have harmony," said Duane Forleo.

Rick Roy asked with respect to the Planning Board, you still have to verify the soils are what you suggest they are in front of the Planning Board. Sam Foisie said, "We would have to but we are trying to do that here, by getting a variance from you because we feel we still need the ordinance as it relates to septic systems, you still have to do a test pit approved by the State and have to meet state. You can't put it on slopes greater than 35%. The new septic systems are well maintained and well-built and don't have the problems of when this ordinance has in place. No, we don't want to do the site specific but want the variance and we will have to do a test pit."

Ray Humphreys asked the applicant to clarify if they are asking for two variances: One from the 500-foot requirement and one from soil base zoning.

Sam Foisie responded the applicant is asking for a Variance from Zoning Section 408.00. The second paragraph address frontage and two contiguous acres of slight or moderate soils and the Hillsborough Country Soils map in relation to a site-specific soil survey by a soil scientist to make sure they are met. We are asking for relief from that one because we meet it in a different way along the frontage." *He flipped the big map again horizontal to vertical to illustrate the spacing.*

Karen Grybko asked the Board members if they all received the soil maps of Hillsborough County emailed by Tom Chrisenton. The map shows the soils are **77D** and **76D**. 77D it means it has slope, sand, rocky and all rated **severe**.

Chair Grybko explained their soils are not light and sandy soil and that is why the Planning Board told them at the meeting in order to get a variance from this, they will have to show a site-specific soil to show that this map are too generalized and there are areas that show they have good soil.

Sam Foisie said they are before the ZBA so they can obtain a variance and not need the site-specific soil test.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

Sam Foisie said this is to keep the same separation of septic systems.

3. Granting the Variance would do substantial justice because:

The Forleo's lived here 22-years and want to move to the back of the property and retire.

4. The value of surrounding property will not be diminished because:

The application states they feel there will be no impact to surrounding properties and this does not create a burden on the neighbors. It is a good size lot with buffer. They will maintain the snowmobile trail and it will remain open to the public.

Lisa Post asked how any acres of open space will be on snowmobile trail and snowshoe trail. They estimate 3-acres with the 100 feet wide trail on the 5-acre property. (Proposed Lot 2)

Lisa Post asked if that is opened on all the parcels. Duane Forleo said, "That is on our property. We have abutters here. It is not owned by the snowmobile trail anymore. We have to take the responsibility to maintain it for hikers, cross country skiers, snowshoes and snowmobiles." Sam Foisie added that Duane wants to maintain his property

Rick Roy asked where the road frontage is listed on the map and Mr. Foisie showed him.

The total road frontage is 1208.

The proposed road frontage is: Lot 1 = 250 feet, Lot 2 = 250 feet & Lot 3 = 708 feet.

5B: Literal enforcement of the provisions of the ordinance is an unnecessary hardship:

- (i) **The following special conditions of the property distinguish it from other properties in the area:**

(Applicant did not answer)

- (ii) **No fair and substantial relationship exist between the general purpose of the ordinance provision and the specific application of that provision to the property because:**

(Applicant did not answer)

- (iii) **The proposed use is a reasonable one because:**

(Applicant did not answer)

Or 5B: If the criteria in subparagraph 5A above are not established, explain how, 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 ordinances and a variance is therefore necessary to enable a reasonable use of it:

Without the third lot (Lot 3) the applicant said it is not be feasible for them to move to Lot 2. They would also be selling the original estate (home and guesthouse with separate septic systems)

Sam Foisie said, "It is expensive if you are building a substantial driveway and to make sure that is a good enough driveway for two houses to use. That cost a lot of money." He was asked if the Planning Board informed them that a driveway/road would have to be built to town standards. Sam Foisie replied, "Yes with a major subdivision but where we are having a shared driveway it does not need to have to be road standards. The driveway will be shared for 300 feet then will break off."

Duane Forleo added, "We were told that four houses (lots) would be a major subdivision and it would need a major road. We understood that and said this is what we can do to satisfy that. If I was an abutter I would be concerned about getting a notice about a major subdivision. If it's a minor subdivision as if it's laid out on 41-acres, I would be less likely to oppose that. This subdivision is turned sideways."

Ray Humphreys asked for an explanation on the hardship again. He added a hardship cannot be considered if it is created by the applicant.

Sam Foisie said the applicants would like to remain on the property and in order to do that they need the resources. Mr. Humphreys said the hardship is placed on the original home. They bought the land knowing how this house was situated on this land as it is and they knew this, and purchased the property so how can this be used as a hardship. He did not agree it's a hardship.

Sam Foisie said, "The hardship is the frontage and they don't have the frontage to use their property."

Note: This property has 1,208 feet of road frontage. With sever soils, zoning would allow for a two-lot subdivision with a minimum 500-foot road frontage and minimum 5-acre lot.

Abutter Comments:

Real Estate Agent Kim Spanos who had a signed letter from abutter Ron Cristofono to represent him asked if the people attending via Zoom can see the plan. After reviewing the plan she commented, "That is a long driveway".

Abutter John Morrison is representing the trustees of his property, which has been in the Morrison family for 64 years. He understands there are some zoning issues and felt the proposal was imaginative and supports it. He felt that five-acre lot, if it meets soils and perks, will reduce any chance of future subdivision.

Sam Foisie wanted to address the hardship questions again from the criteria of 5B and said they could answer 5A if that would work better.

Abutter Mike Foisie, Baldwin Hill Farm said he is in favor of the subdivision. He does not see any enforcement, health, esthetics, safety issues or political issues

Taylor Queen purchased Edna Worcester's old house about 3-years ago. He said that he and his wife are not worried about them putting up a retirement house or a small cottage.

A non-abutter asked to make a comment but that testimony but was not heard.

Building Inspector/Code Enforcement Officer Leo Trudeau asked about the lot sizes and if the slope was on the map.

Mr. Trudeau asked if the guest house building is occupied permanently. Mr. Forleo said, "No". Mr. Trudeau said going forward, when you intend to sell that lot, something has to be done about that guest house so that it does not become a permanent residence because there would be two permeant residences on one lot which is not allowed by zoning.

Duane Forleo said they have an approved B&B for the lot. Chairperson Karen Grybko said she was on the ZBA when Duane Forleo got a variance for the B&B and they assured the ZBA it would be a short-term rental and that they would never rent it with a lease.

Mr. Trudeau asked if there is something on record that the guest house building would not be a permanent residence. Karen Grybko added, "We gave them the permission based on the information that it would not be permanently occupied." Mr. Trudeau can check the file.

Mr. Forleo said, "When we went and got permits to do the work on our house and do that particular one, we also got approved for a second home. So originally, that was an efficiency apartment for my mother. We had approval for a mother-in-law apartment. That is why we did the oversized septic system because they said we could have a family member living there, An elderly parent who could potentially live there. And we still had that little efficiency apartment. We basically built that so we had a place to stay while we did it. We got approved but we have never executed the building of the second home on the property. We basically went to the town and utilized that as a B&B business. That is something that we made and at our discursion, in the future, do we want that to follow with us or to be sold with the home. The B&B, if someone else buys it but it was for us."

Code Enforcement Office Trudeau said that currently Lyndeborough has no provision for a detached assessor dwelling. So somewhere that is going to have to be addressed before that property is sold. I have not gone through the property file yet. Mr. Forleo commented, "That would be something for a different meeting."

Mr. Trudeau asked if it has a private well or is it shared with the main house. Mr. Forleo informed him, it has a shared well but a private septic.

Mr. Trudeau reviewed the map and said there is a severe amount of elevation gain as he counts out the contours, about 200 feet from bottom of Baldwin Hill Road up to where you want to be up there. That is pretty nice to look over but it could present some septic issues. Mr. Forleo they have not had issues with soils up there.

Code Enforcement Officer Leo Trudeau said that Section 408 does allow for the reduced frontage as long as it has a condition of providing evidence that you have the 2-contiguous acres of the acceptable soils. Seems to me that because this section allows for the less frontage with that condition of 2-acres, you are going to have to provide that to the Planning Board when it gets to them. That is part of it.

Sam Foisie said, "What we are discussing here today is that we still need that section but we don't need that in the same way. In the spirit of the spacing of them, we don't have to check on the soil requirements. That is why we are asking for that so we don't have to check all the soils on the entire property."

Code Enforcement Office Leo Trudeau responded, "It sounds to me what you are asking of the ZBA is a waiver of a variance from providing evidence of the 2-contiguous acres of acceptable soils. That is really what you are asking. The section allows for less frontage based on that condition. I got a feeling that with these larger size lots, you probably will find the 2-contiguous acres but on the 5-acres, I don't know..."

Duane Forleo replied the five-acre lot meets all the requirements; 5-acres and 500-foot road frontage.

Sam Foisie added, "Let's go down path of we don't find the soils and we don't find the two-contiguous dry acres. Then what would we do? Mr. Trudeau replied, that would give you a basics for presenting the argument that the property has the hardship of not having those 2-contiguous acres. Sam Foisie, "So we could be back here." Mr. Trudeau: You are asking the ZBA to grant you a variance, a waiver of a zoning requirement. Mr. Foisie, "I have already proven we meet the Five Criteria for that area." Discussion.

Ray Humphreys added, "That is technically not correct that it is not our purview, it is the Planning Board's for the soils." Mr. Trudeau said he agrees with that but he has heard the applicant asking for a variance from the frontage but the zoning section allows for less frontage conditional upon the having the 2-continious acres of acceptable soils.

Sam Foisie said they are going down the quicker path for the variance. Duane Forleo added that a professional in the field, Tom Carr, advised them to get a variance to meet those soil requirements in Lyndeborough.

Rick Roy inquired about the road frontage and that all lots need to meet acres and frontage. Chairperson Grybko explained if they want the 3-lots (three) they need to be here. If they want the 2-lots (two), then they can go directly to the Planning Board. Sam Foisie said this is the project in its entirety. If we can't get that third lot then it makes the improvement pretty tough.

Member Lisa Post asked if the two houses you are building, going to be two-bedroom homes? Mr. Forleo said, "Yes".

Ray Humphreys wanted to make sure the Board is comfortable that they can hear this case. He as a concern about the procedures that this is coming to the ZBA without prior being heard, and a decision voted on, at a properly noticed Planning Board meeting. There is not a denial letter from the Planning Board or the Code Enforcement Officer, which is required to move a case to the ZBA. Mr. Humphreys also feels this plan/map is not complete. He is uncomfortable if the ZBA can vote on this application. *Mr. Forleo was before the Planning Board as an Informal Discussion on October 15, 2020. Their case was not publically noticed. Abutter were not notified.*

Mark Chamberlain, who is the Selectmen's Representative to the Planning Board said that question came up. The Planning Board Handbook, on page six (6), does address that in a situation when an applicant has to go to both boards, it may be more practical for an application to go to the ZBA before the Planning Board. Mr. Chamberlain read the passage.

A letter from abutter Ron Cristofono was **NOT** read into the minutes. His letter did not support granting the variance. He cited, "It would drastically change the beauty and character of the area. It would also lower property values of the existing properties and increase traffic on a rural road."

The Board deliberated the application.

The Board disagreed if this qualified as a hardship. Ray Humphreys and Karen Grybko felt it was a self-imposed hardship therefore it does not meet the hardship criteria. The Board debated if the applicant should get a site-specific soil test on the property and/or just on Lot 2. The septic systems were discussed and State regulations. The size of the property and location of the house in the middle of the lot and slopes were discussed. Other criterias were discussed.

VOTE: Lisa Post made a motion, Linda Anderson seconded to grant a variance from the Lyndeborough Zoning Ordinance Section 408.00 Soil-Based Zoning. The decision was based upon the plan the applicant submitted (Map dated January 28, 2021. SP-1 Sheet, File 01137.02Q2.dwg. Project 01137.02. Sheet No. 1 of 1 made by Meridian Land Services).

-The applicant Duane Forleo and Land Use Planner Sam Foisie stated during their presentation the proposed homes on Lot 2 and Lot 3, shall each be constructed as two-bedroom single-family homes.

-Lots 1 & 2 will share a driveway access.

-Mr. Forleo said he will maintain the old snowmobile trail for public use, that will run along Lot 2. It was explained the odd shape lot was to preserve the public trail, as it would stay on the property he plans to build on.

Roll Call: Lisa Post, yes; Ray Humphreys, no; Rick Roy, yes; Linda Anderson, yes; and Chairperson Karen Grybko, yes.

Motion passed 4-1-0.

The Notice of Decision will be available for pick-up in the Town Office next Thursday.

Approve Minutes:

VOTE: Lisa Post made a motion to approve the minutes of June 30, 2020 (Case 2020-01, Sherman). Rick Roy seconded the motion. Motion passed 5-0.

VOTE: Lisa Post made a motion to approve the minutes of October 2, 2019 (Case 2019-3, Chase). Linda Anderson seconded the motion. Motion passed 4-0-1. Ray Humphreys abstained.

Adjournment:

VOTE: Linda Anderson moved to adjourn, Ray Humphreys seconded the meeting at 9:17 p.m. Motion passed 5-0.

Respectfully submitted,

Kathleen Humphreys (signed electronically)

Kathleen Humphreys
ZBA Secretary



Town of Lyndeborough

Office of the Zoning Board of Adjustment

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NOTICE OF DECISION

CASE # 2021-01

You are hereby notified that the request of:

Duane & Karen Forleo, Case 2021-01, Map-Lot 247-033-000
74 Baldwin Hill Road, Lyndeborough, NH 03082

For a Variance from Lyndeborough Zoning Ordinance Section **408.00 - Soil Based Zoning**, to create a three lot (minor subdivision) from a 41.60 acre parcel with 1,208 +/- feet of frontage, as described on a plan submitted SP-1, File: 01137.02Q2.dwg, Project 01137.02, Sheet no. 1 made by Meridian Land Services.

Lot 1 with 21.44 acres with an existing home and 250 feet of proposed road frontage. Lot 2, an irregular shaped lot with 15.5 acres and 250 feet road frontage, future site of the new Forleo home with an explanation of the irregularity due to the preservation of a public recreation trail. Lot 3 with 5.01 acres with road frontage of 708 feet.

Lot 1 and Lot 2 shall have a shared access easement (driveway). Due to concerns of the severe soil type (as described on Soil Map-Hillsborough County, New Hampshire, Western Part) Mr. Forleo stated during his presentation that the proposed homes on Lot 2 and Lot 3 shall each be constructed as two-bedroom single-family homes. Based on the presentation, the variance

Has Been **GRANTED.**

Meeting date: **March 3, 2021**

March 8, 2021

Karen Grybko, Chairperson, Zoning Board of Adjustment

Note: a motion for rehearing by the board of Adjustment shall be filed in accordance with RSA 7677.2.

Notice of Decision: **Case 2021-01**

The application submitted by Duane and Karen Forleo, and the record in this matter, shall be part of this appeal.

Copies of this notice will be distributed to: the Applicant, Planning Board, Board of Selectmen, Building Inspector, Town Clerk and copies placed in the property file along with the completed application and supporting documents.

cc: Board of Selectmen