

Brentwood Board of Adjustment Minutes September 26, 2022

Members Present: Chairman Doug Cowie, Vice Chair Ken Christiansen, Frank Albert, Russ Kelly, Regan Elliot.

Cowie opened the meeting at 7:00 pm and explained the procedures to those present.

Public Hearing: Applicant/Owner: Great Bay Investments, LLC. Applicant requests variance from Article III, Sections 300.002.001.004 of the zoning ordinances to permit a lot in the commercial zone that has less than the 300-foot frontage requirement. Property is located on Route 125, Brentwood, NH 03833, referenced by tax map 201.015.001.

Wayne Morrill of Jones and Beach was present to represent the applicant.

Morrill went through the 5 criteria they have provided to support granting the variance.

1. *Granting the variance would not be contrary to the public interest:*

Morrill explains that granting this variance will allow the land off Shannon Way to be developed into two residential building lots. The frontage of these lots is on Route 125 and requires 300' of frontage, there is no buildable area along the frontage of Route 125 as it is all wetlands.

2. *If the variance were granted, the spirit of the ordinance would be observed because:*

Morrill states the ordinance requires 300' of frontage in the commercial zone along 125, one of the proposed lots will conform to the regulation, the other lot will be 277.57 feet. The development of these parcels will be residential where only 200' of frontage is required.

3. *Granting the variance would do substantial justice because:*

The proposal is to have two residential single family lots with frontage on 125 but access through a shared driveway off of Shannon Way.

4. *If the variance were granted, the values of the surrounding properties would not be diminished:*

Morrill states the parcel is in the multi-family, commercial, professional office district, the lots will be used as residential lots similar to what has been developed on Shannon Way.

5. *Unnecessary Hardship: A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

i. *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:*

The parcel has frontage on Route 125 in the commercial zone, the developable land is off Shannon Way via a 50' shared driveway, the proposal is for two residential single-family lots.

And

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

Morrill explains the developer has tried several different ways to utilize the property and has tried to be accommodating to the neighbors on Shannon Way.

Allowing relief on the frontage will allow two houses to be adjacent to the Shannon Way development.

There was discussion with the Morrill, the Board and abutters present. This is a multifamily zone, and it would be possible to put 16 multifamily units on this land. Elliot asked the significance of mentioning that. Morrill explained that they would like to only put 2 single family homes on these lots which will be similar to what is currently on Shannon Way. He also mentions they will be asking the Planning Board for a waiver to use the right of way. Frank Northrup, an abutter raised concern, he has a right of way through this property and it is not on the current plan. Morrill reassured Northrup and the Board that his ROW will be on the plans for the Planning Board, it was not relevant to the hearing tonight, and that is why it was not included. Northrup asked where the houses would be located. Morrill showed on the map approximately where the homes would be located, more towards the Shannon Way side of the property, away from Northrup's land, but not directly behind the abutters on Shannon Way. Morrill notes that this also leaves a 20-acre developable commercial lot on Route 125. Northrup asks if the 50' row that will be used to access these lots will become a town road. Morrill states it will be a 14' wide shared driveway. Kelly states this is similar to Lyford Lane. There was discussion about whether all abutters were notified. Benedix shared the abutter's notice with the board and noted that 23 certified notices were mailed on August 24, 2022, 18 return receipts were returned and 1 letter was returned, leaving 4 unaccounted for.

Members agree that applicant has met all 5 criteria.

Christiansen motions to approve the variance document with two conditions:

1. Frank Northrup's right of way will be on the plan
2. No further building on these two lots

Kelly 2nds, all in favor. Motion carried.

Board Business

Motion made by Kelly, 2nd by Elliot to approve the minutes of August 22, 2022: the motion carried.

Motion made by Christiansen, 2nd by Elliot to adjourn at 7:30: all were in favor, motion carried.

Respectfully Submitted,

Jillian Benedix
Administrative Assistant