

**Town of Milford  
Zoning Board of Adjustment  
March 15, 2018  
Case #2018-05  
Mark McNulla  
Variance**

Present: Steven Bonczar, Chair  
Jason Plourde, Vice Chair  
Joan Dargie  
Rob Costantino  
Tracy Steel, Alternate  
Robin Lunn, Zoning Administrator  
Laura Dudziak, Board of Selectmen Representative

Absent: Michael Thornton  
Wade Scott Campbell, Alternate  
Karin Lagro, Alternate

Secretary: Peg Ouellette

Mark McNulla, for property located at 0 Osgood Rd., Milford, NH, Tax Map 51, Lot 1, in the Residential R district, is seeking a Variance of the Milford Zoning Ordinances per Article V, Section 5.04.4.A to allow construction of a new single family residence on a lot without 200 feet of frontage on a Class V or better road.

**APPROVED April 19, 2018**

Steven Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. Since there was a full agenda, he stated the Board's rules allowed for adjournment at 10 p.m. Any cases not completed or heard would be continued or tabled to the next regularly scheduled meeting – unless an alternate location, date or time was decided upon at the end of this meeting – with no additional notice to applicants or abutters. One regular Board member being absent, it was moved by S. Bonczar to seat Tracy Steel as a voting alternate for this case. All agreed. S. Bonczar read the notice of hearing and asked if M. McNulla was present. He was not. R. Degrassie said he was representing him. S. Bonczar asked for a letter stating that. R. Lunn said R Degrassie was the applicant in the application. S. Bonczar asked R. Degrassie to explain what they wanted to do. R. Degrassie said that M. McMulla's intention was to build a single family residence on this lot of about 86 acres. At the time of purchase there was a driveway permit application transferred to him, giving him the impression it was a buildable lot. When the building permit was applied for, they realized there were issues with frontage. There was work started on the driveway that was approved by DPW official. M. McMulla sent a letter to all the abutters. At least one sent in an e-mail. All those M. McMulla spoke to were in favor of what he wanted to do. There had been a subdivision of twenty or so homes planned there. That not the case. Mr. McMulla wanted to build one residence for himself and continue the driveway and was willing to

55 provide a place at the end of the driveway for the town to push snow, turn around, etc. – whatever the town  
56 needs him to do. He just wanted to be able to pull the permit to build his house.  
57 S. Bonczar asked for questions from the Board.  
58 J. Plourde was glad to hear that he was willing to work with the town because he believed there was what  
59 was called a hammerhead at the end – not a full cul-de-sac. So, pulling up on the right side it kind of went  
60 toward the existing house, the last house on the right. There was no other room if he put the driveway at the  
61 end; no turnaround area. Especially needed for emergency vehicles. Can do K turns or whatever needed for  
62 regular passenger cars.  
63 R. Degrassie said there was plenty of room to the right which would eliminate need for a turnaround in that  
64 neighbor's front yard. M. McNulla had much more room. There had to be a place to put the snow, so it was  
65 a benefit to everybody. There would also be adequate room to turn around at his house, which was about 600  
66 ft. up the driveway, for emergency vehicles or anybody else that had to get in there. His driveway will be big  
67 enough to turn around and come back down. DPW said they would come out and look at it, make sure  
68 drainage was right, no water would come down the road. Plenty of room to do it right on M. McNulla's  
69 property.  
70 J. Plourde understood that there had been a subdivision previously approved that would connect the end of  
71 Woodhawk to Osgood, but those approvals had lapsed.  
72 R. Degrassie said that was true.  
73 J. Plourde said with the single family home at the end of Woodhawk, that would pretty much negate any  
74 future development connecting Woodhawk to Osgood. It would have to go through his own property.  
75 R. Degrassie said M. McNulla had no intention of subdividing that property. Most of it would be left in  
76 current use. He applied for a tree permit and some trees were taken down. That was all that was being taken  
77 down. As it sat currently was how it would sit forever.  
78 J. Plourde asked the acreage.  
79 R. Degrassie believed it was almost 86.  
80 S. Bonczar referred to the location, based on the map, showing Woodhawk, the driveway – it was the  
81 original subdivision plan on which the permits had lapsed. He pointed out the area of the driveway and  
82 approximate location of the house and asked if that was correct.  
83 R. Degrassie said yes, about 600 ft. up.  
84 S. Bonczar said that was quite a way up, so the house would be tucked way back in.  
85 R. Degrassie said it will still be visible from the end of the road, but not completely. There was a little hill  
86 and some trees in between  
87 J. Plourde said that was why there was plenty of room to almost give the town a true cul-de-sac.  
88 R. Degrassie agreed.  
89 J. Dargie said that was why there wasn't enough road frontage.  
90 S. Bonczar said yes. It was planned as a subdivision and M. McNulla purchased it.  
91 J. Dargie said the driveway would come off Hammond Rd.  
92 J. Plourde said, in reading the application – since this was a variance with certain criteria they had to go  
93 through – he asked R. Degrassie to explain the answer regarding not diminishing of value of surrounding  
94 properties, which said that this would actually increase the value of surrounding properties.  
95 R. Degrassie said it would be a 5,000 SF house, so the value of that house would be substantially higher than  
96 most of the others in the area.  
97 J. Dargie mentioned doing a comparable in the area.  
98 J. Plourde wanted to make sure they had something on record, because the response was very general,  
99 without any support to it. Wanted to make sure the Bd. understood clearly.  
100 R. Degrassie said it was a large house. Couldn't imagine there was another house that size in that  
101 neighborhood – not that he'd seen.  
102 J. Plourde said not in that neighborhood.  
103 R. Degrassie said that was all he meant by that. He said he knew at least one abutter sent an e-mail in. Didn't  
104 know if anybody else did. She copied M. McNulla on the e-mail.  
105 R. Costanino said, looking at it, he would rather have one house than twenty.  
106 R. Degrassie said M. McNulla didn't speak to every abutter but every abutter was asked what he needed  
107 them to do (sic). Thought they were looking forward to not having trucks going up and down the road.

108 S. Bonczar asked for any other questions or comments from the Bd. None. He asked R. Degrassie if he had  
109 anything to add. No.

110 S. Bonczar opened the meeting for public comment.

111 Eric Matson, an abutter, previously owned the property. His sister owned it; she wanted to do something  
112 similar and was denied by this Bd. Town wanted road to go through to connect from Woodhawk to the other  
113 road because they were sick of cul-de-sacs and problems. Seemed like a double standard. We get a new  
114 owner and everybody forgets the past. He read a letter received from M. McNulla, addressed to "Dear  
115 Neighbor" and stating that M. McNulla and his wife intended to take two or three acres out of current use  
116 and leave 82 acres in current use allowing the lot to stay wooded and not connecting a road between  
117 Woodhawk and Nye as shown on the 27 house subdivision plan. Mr. Matson said that meant that if a road  
118 was put in, M. McNulla would have a lot of frontage and if he wanted to do this ten or twenty years from  
119 now, he would. That would connect from Osgood Rd. with no big dead end out there again – one way in and  
120 one way out – which was what the town said they wanted in the past. He continued reading from the letter  
121 which said that in the process of getting the building permit they found it wasn't a buildable lot. In most  
122 towns a driveway permit wasn't issued unless a lot was buildable. The letter mentioned this hearing for a  
123 variance and stated if the variance was denied they would have to build a town road to the property, which  
124 would open the lot to multiple building lots in the future. (E. Matson said that didn't mean it wasn't.). The  
125 letter stated this wasn't the first choice, but they would build the road. E. Matson thought that was a threat,  
126 but not sure. He continued reading the letter which said if the variance was approved they would build a  
127 single driveway would be built with a 650 ft. driveway to where the new home would be. Letter was being  
128 sent to ask them to accept the variance allowing this to keep Woodhawk a quiet, private drive; plan was to  
129 make it their last home. E. Matson gave letter to the Chair to be entered into the record.

130 S. Bonczar said that letter would be marked as Exhibit 1.

131 E. Matson said his point was that in the past it wasn't doable, and in his estimation it still wasn't. As far as  
132 being a close abutter, he owned the property on the whole side of it.

133 S. Bonczar asked when his sister and he had asked for this. This was a new owner.

134 E. Matson said he was under the impression those subdivision plans hadn't expired.

135 S. Bonczar said they appeared to be, so any decisions made back then would be null and void.

136 E. Matson said when the property was sold to M. McNulla, allegedly the subdivision plan was in force. If  
137 that road went through he could come out onto Nye Drive which that property abutted.

138 S. Bonczar said as far as that went, those plans were null and void and this was a totally different proposal.

139 E. Matson said when his sister wanted to put in a few more houses, this Bd. denied it, saying they had to put  
140 the road in.

141 S. Bonczar asked for any further public comment.

142 Anthony Bartling, owner of property at 75 at the hammerhead. He questioned what the responsibility for  
143 pavement there. Will it be taken by the town, or was it his responsibility to take care of? Since it was a town  
144 easement that impinged on his property would it be his responsibility to get rid of when that's no longer  
145 necessary, or would the town take care of that?

146 S. Bonczar said that was a Planning Bd. discussion, not at ZBA.

147 J. Plourde said it was a valid question, just not the purview of the ZBA.

148 J. Dargie asked if it could be a condition of approval.

149 S. Bonczar said they didn't have any plans.

150 J. Dargie said it showed the hammerhead, and if you added a drive that took away a lot

151 J. Plourde said that turnaround area was his number one concern.

152 J. Dargie agreed.

153 J. Plourde said if a house was there you couldn't necessarily back into someone else's driveway, legally.  
154 That was the reason for the hammerhead being there.

155 J. Dargie said that was correct.

156 J. Plourde said you need to be able to turn around somewhere which was why the hammerhead was there.

157 S. Bonczar addressed R. Degrassie, saying the hammerhead didn't impact his plan; it was there.

158 J. Dargie said the plan should take the hammerhead away. She had the same situation at the end of her street.  
159 If you put a driveway for the house at the end of the road, where does all that snow go? It goes to both  
160 neighbors on either side. It should be addressed, because there needed to be some way to turn around. This

161 looked like the end of Prospect St. at the moment, which didn't have a hammerhead. Backing up in people's  
162 driveways was a problem.

163 S. Bonczar cautioned they were dealing with the variance and the 200 ft. frontage. He thought the design  
164 and how it would work was a Planning Bd. discussion.

165 J. Dargie said you were taking away road frontage and allowing a driveway. Technically they were lessening  
166 the road frontage because you were in a curb cut at the end of the road, which was frontage to the property,  
167 and putting a driveway there.

168 J. Plourde asked R. Degrassie how much frontage they currently had.

169 R. Degrassie said basically 50 ft. width of the road.

170 J. Dargie said they were taking that 50 ft. of road and turning it into a driveway. If somebody wanted to  
171 build something without any frontage, there should be some sort of concession to protect the neighbors on  
172 either side at the end of that road.

173 J. Plourde agreed with that.

174 J. Dargie said they should be able to address that issue. She had that same situation. If the snow comes down  
175 the road it has to go somewhere and you only had 50 ft. frontage. In her mind, you would back this up.

176 J. Plourde said widen it.

177 J. Dargie said correct, and go to the opening where he had more property on either side. Open that up and let  
178 him do a turnaround to get it out of the way.

179 S. Bonczar asked A. Bartling where the town put the snow at the present time.

180 A. Bartling said in his front yard; after this recent storm it was all the way up to his stairs.

181 S. Bonczar asked if they didn't push it to the end of the road.

182 A. Bartling said no, the plow comes in and turns it into his yard instead of pushing it to the end of the road as  
183 he's asked them to.

184 S. Bonczar said they push it into the yard at Hammerhead.

185 A. Bartling said correct.

186 J. Dargie asked if S. Bonczar was saying that was fine?

187 S. Bonczar asked if there were any other comments.

188 William Dobbs at #76, across the street from A. Bartling. He said they push snow into the hammerhead and  
189 also to the end. In his personal phone conversation with M. McNulla, M. McNulla indicated he would be  
190 willing to work something out to maybe potentially move the hammerhead into his (McNulla's) property. He  
191 thought that would be a great solution. He knew there were lines to what the Bd could decide vs. what  
192 Planning could decide. He wanted to support M. McNulla, thought it was a good plan. But he cared for his  
193 neighbors. What was a way around this so they could approve a variance? Was it more appropriate that the  
194 Planning process go first? Would be good if it could be done at once rather than two different boards saying  
195 this wasn't their responsibility.

196 J. Dargie said they had done it in the past. They've put a contingency on it going to the Planning Bd. and the  
197 Planning Bd verifying what that is.

198 W. Dobbs said, exactly.

199 S. Bonczar was concerned they didn't have the expertise to define what needed to be done there. They  
200 couldn't just tell him to move the hammerhead.

201 J. Dargie wasn't necessarily saying that.

202 J. Plourde said it needed to be a proper design.

203 J. Dargie agreed.

204 J. Plourde said applicants should pass a design to the police, fire dept. and DPW.

205 S. Bonczar said they weren't changing the hammerhead – just adding a driveway at the end.

206 J. Dargie said adding a driveway at the end complicated the issue.

207 S. Bonczar disagreed.

208 J. Dargie said R. Degrassie brought up the hammerhead at the beginning of his testimony and said that  
209 applicant was willing to take out the hammerhead on his property and take out the turnaround at the end. She  
210 asked applicant if he said that.

211 R. Degrassie said yes.

212 A. Bartling said, re earlier discussion about property values, when he purchased his home it was made very  
213 clear to him that the hammerhead turnaround was a temporary easement until the construction on the road

214 through to Nye was completed. If this house went in and that hammerhead wasn't moved, it was no longer  
215 temporary.

216 S. Bonczar now the whole subdivision was {no longer being built}

217 A. Bartling said that was a material change to his property because that effectively would no longer belong to  
218 him; it would belong to the town.

219 J. Plourde asked if that hammerhead disappeared and a true cul-de-sac was created on the applicant's  
220 property, would that satisfy his concern?

221 A. Bartling said absolutely. His only concern was his understanding that, it might have taken 5 to 15 years,  
222 but that hammerhead was supposed to go away. If this went through without modification, it would not.

223 J. Plourde said, understood.

224 J. Dargie reiterated that the applicant, in the testimony he provided, mentioned right at the beginning that the  
225 owner was willing to do something to eliminate that hammerhead in that neighbor's front yard.

226 J. Plourde said he reconfirmed that a moment ago, as well.

227 S. Bonczar asked R. Degrassie if he knew what was proposed or thought of.

228 R. Degrassie said he knew there was plenty of room to put additional pavement to push snow completely out  
229 of the way so emergency vehicles wouldn't have a problem turning around. He did know that to put a town  
230 spec cul-de-sac in would be cost prohibitive for him to build a house. To do something like that you need  
231 more than one lot. To address the remarks by the gentleman whose sister sold M. McNulla the land, to put  
232 onesies and twosies it sounded like she was trying to subdivide and sell. That wasn't M. McNulla's  
233 intention; he wanted to build a house for himself. R. Degrassie said he had spoken to L. Daley (at  
234 Community Development) and the DPW gentleman who was willing to come out and show M. McNulla  
235 what needed to be done. To put a true spec cul-de-sac in wouldn't make sense for one house lot.

236 S. Bonczar wasn't so averse to a condition but wasn't sure how to define it.

237 J. Dargie said on Prospect St., a similar situation, there was a plan where the owner at the end of the property  
238 was willing to give up some land for a turnaround. They worked with the town but it wasn't approved  
239 because the town would have had to pay to extend the road to build the turnaround. This was similar but the  
240 town was not asking for a full cul-de-sac. If the Bd. had to wait to make a decision on this to ask R. Lunn to  
241 ask L. Daley if they would need a full town designed cul-de-sac. She couldn't believe that because the plan  
242 allowed ten years ago wasn't a full cul-de-sac. It was just to allow a turnaround and snow storage.

243 R. Degrassie said it would be very easy for M. McNulla to create a much more adequate area than what was  
244 in the other gentleman's front yard, which was just a small turnaround. M. McNulla had plenty of room to  
245 push snow completely out of the way so it won't even melt into the road. It will melt into the little valley –  
246 the natural contour of the land.

247 J. Dargie pointed to a drawing asking where the snow would be pushed.

248 R. Degrassie pointed out where.

249 J. Dargie said with a condition like that she would feel more comfortable. They shouldn't be creating roads  
250 that just end off.

251 J. Plourde agreed.

252 R. Degrassie said basically they came up with a plan that with a driver coming down the hill it would go way  
253 out to sort of a half cul-de-sac effect so the snow could be pushed to the right and trucks could turn around  
254 right there.

255 J. Plourde asked if the town would take ownership. Would it be a lot line adjustment so the town would  
256 accept the end of the roadway that would be on M. McNulla's property?

257 R. Degrassie said they never got into that. He didn't know how A. Bartling turnaround worked – if it was an  
258 easement or what.

259 J. Dargie said it would probably be the same, an easement. The town had an easement on his for that.  
260 Maybe while doing that they could work with the neighbor to help get the frontage to get rid of the  
261 hammerhead. She was just throwing that out there.

262 J. Plourde mentioned asking R. Lunn about it.

263 S. Bonczar wanted first to read a letter that came in and then close the public portion. First, he asked for any  
264 other comments from the public. None.

265 S. Bonczar read an e-mail sent to the office from David and Joanne Couture of 70 Woodhawk Dr., Milford  
266 NH addressed to R. Lunn expressing their support for M. McNulla's request for this variance.

267 R. Lunn reminded Chair that the applicant hadn't given any testimony regarding hardship.

268 S. Bonczar asked R. Degrassie to explain the reasoning re hardship.  
 269 R. Degrassie said basically the hardship was, in order to use the property as a single family residence, if the  
 270 driveway requested wasn't allowed, it didn't make economic sense to build a single family house. He didn't  
 271 know what E. Matson's sister had tried to do. If you were going to subdivide and build houses and profit  
 272 from that you could justify the cost of building a cul-de-sac, etc. That wasn't M. McNulla's intention. When  
 273 he bought the land he was lead to believe there was a driveway permit in place. Because of work started at  
 274 the end of the road and inspected by the DPW at the end of the road, he thought it would be allowed, and it  
 275 wasn't. He had an 86 acre parcel on which he wanted to build a single family house and now there was a  
 276 chance he might not be able to do it. That was basically his hardship. He purchased this property to build a  
 277 single family residence.  
 278 S. Bonczar asked if there was any frontage anywhere else.  
 279 R. Degrassie said no.  
 280 J. Dargie said that R. Degrassie stated when he purchased the property there was a driveway shown on it? In  
 281 the same location?  
 282 R. Degrassie said no. There was a driveway permit issued that came off the end of that road. They started  
 283 the work so that when trucks were coming in it didn't damage the road. DPW came out and inspected it and  
 284 applicant was led to believe that meant that would be an approved building lot, and that just wasn't the case.  
 285 J. Plourde referred to the ZBA Handbook regarding frontage requirements. Zoning ordinance specify  
 286 minimum frontage requirements to prevent overcrowding of the land. As an example, a lot having ample  
 287 width at the building line but narrowed to below minimum requirements where it fronted the public street, a  
 288 variance might be considered and that the courts have emphasized in numerous decisions that the  
 289 characteristics of the particular parcel of land determine whether or not a hardship exists. Based on that, he  
 290 believed a hardship existed because of the shape of the lot, where it had minimum frontage but widened out  
 291 significantly. So the shape of the land came into play in any of the Bd's decisions for variances. If it wasn't  
 292 so narrow at the end of Woodhawk and continued where he had wider property, he might have more  
 293 frontage. Wanted to make sure they didn't overlook that portion. However, if they went with some kind of  
 294 turnaround area that would give him more frontage than the 50 ft. Lots of ways to consider this. Not one  
 295 definitive way, because it really came down to the design at the end of that roadway.  
 296 S. Bonczar said if they reviewed this and approved with a condition around this design of a turnaround.  
 297 Didn't know how they would word it. Would applicant be averse to that?  
 298 R. Degrassie said not all. As a matter of fact, he plans on doing something at the end of Woodhawk anyhow.  
 299 S. Bonczar said he planned to do something anyway.  
 300 J. Dargie said she brought it up because it wasn't depicted anywhere. They usually okay it on what they  
 301 were seeing, but they weren't seeing it.  
 302 S. Bonczar said they had the testimony, too. He was going to ask for J. Dargie's help to word it.  
 303 S. Bonczar asked for any other public comment. None. He closed public comment. He proceeded to the  
 304 discussion of criteria for a variance.  
 305  
 306 **Granting the variance would not be contrary to the public interest because:**  
 307 R. Costantino said the property would be more valuable by having a single house there and neighbors would  
 308 benefit by not having the traffic, etc. associated with 22 houses there instead of one.  
 309 S. Bonczar said it didn't violate the basic zoning objective. It was a single family home in development of  
 310 single family homes. Will not alter the character of the neighborhood. Where there would have been  
 311 multiple homes there will be one at the end of this street. Didn't think it was contrary to the public interest.  
 312 R. Costantino said the only issue was the turnaround.  
 313 S. Bonczar said they would have to address that if they move forward.  
 314  
 315 **If the variance were granted, the spirit of the ordinance would be observed because:]**  
 316 R. Costantino thought, per J. Plourde's comments, they were trying to address a 200 ft. area from the road  
 317 and the houses not so crowded together. This wasn't an issue with a single house.  
 318 S. Bonczar said it was Residential R. He read from Ordinance Sec. 5.04.0 re Intent. He didn't think this  
 319 proposal went contrary to that intent.  
 320 J. Plourde said he had more than the two acre minimum. He agreed.

S. Bonczar said re open space, other than frontage, he didn't think spirit of the ordinance was not being observed.

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

S. Bonczar read from the Handbook that the guiding rule was that any loss to the individual that was not outweighed by the gain to the general public was an injustice.

J. Dargie said in this case you could say the gain to the general public in that area was greater from the standpoint of less traffic down the road if it were to be developed.

J. Plourde agreed. Didn't think there would be a benefit to the public if they deny the project, taking what S. Bonczar said. Ultimately, if they could do something with the end of that road and not have multi-families that would be connected through and punched through to Nye Dr. or Osgood Rd., he thought that would be a benefit.

S. Bonczar didn't see any substantial gain to the public by not approving it.

J. Dargie agreed.

S. Bonczar said the fact was the owner could propose another subdivision lot or lots but that wasn't to say that would or would not be approved.

J. Dargie agreed; but the way that this was being built, the house was smack in the middle.

S. Bonczar said that was his point. If they denied it, what would you do with the property? You would sort of have no choice but to try to subdivide it. The question was could that be approved, etc?

**Unnecessary hardship:**

J. Dargie said, as J. Plourde mentioned, part of the hardship was the lot didn't have any frontage due to the location and shape. It made it more unique. As J. Plourde read, the reason for the large frontage was to prevent overcrowding. You've got 85 acres with one house – not crowded.

S. Bonczar agreed. The idea of the 200 ft frontage was to prevent high density in certain zones and also to reduce the issue of back lots. In the 90's there were a lot of back lots along Jennison Rd. There were 50 ft. frontages but multiple back lots that were subdivided. That was one of the reasons that was put in. In this case they weren't talking about subdividing into multiple lots and having these back lots. This parcel will contain a single family home.

**Is the proposed use a reasonable one?**

J. Dargie – it is a single family house on that large house. Very reasonable.

**Granting the variance would not diminish the value of surrounding properties because:**

J. Dargie said if they fix the end with the turnaround and snow removal, it won't diminish value of the surrounding properties. As one abutter mentioned, if that hammerhead stays on the property, it could diminish the value.

J. Plourde agreed.

J. Dargie said, as long as that condition is placed on it.

S. Bonczar said he wanted to craft some wording.

J. Dargie suggested, if approved, if the applicant will provide a suitable turnaround area for emergency vehicles which will allow for the elimination of the hammerhead turnaround easement at Lot 51-26-184.

J. Plourde asked for more specifics on who finds it suitable.

J. Dargie would think emergency vehicles.

J. Plourde wanted to make sure. That it's not just suitable to the applicant?

J. Dargie said suitable turnaround area for emergency vehicles.

J. Plourde suggested suitable to DPW.

R. Costantino asked about mentioning snow removal.

R. Lunn suggested "Meeting town standards".

J. Dargie quoted "Suitable turnaround area for emergency vehicles that meets town standards and will allow for the elimination of the hammerhead turnaround easement at Lot 51-26-184."

R Costantino asked if that addressed the snow removal issue.

J. Dargie pointed on the map where R. DeGrassie explained the area where they would push the snow.

R. Lunn suggested discussing easement language in there, as well, so the town can legally maintain that.

375 J. Plourde asked, for the revised turnaround area?  
 376 R. Lunn said yes.  
 377 J. Dargie said "Suitable turnaround area for emergency vehicles and snow removal that meets town standards  
 378 and will allow for the elimination of the hammerhead turnaround at Lot 51-26-184, which may require a  
 379 town easement"?  
 380 R. Lunn said it would require a town easement.  
 381 J. Dargie said basically it was transferring the easement off of Lot 51-26-84 onto that.  
 382 J. Plourde said and any future easement needed to accommodate that new turnaround area. Transferring the  
 383 existing one and creating a new one.  
 384 J. Dargie added at the end "...elimination of the hammerhead turnaround at Lot 5 51-26-184 and creating a  
 385 new easement at Lot 51-1.  
 386 R. Lunn suggested "easement to the town for maintenance purposes."  
 387 S. Bonczar said J. Dargie would read it from start to finish. They would make any additional changes. Then  
 388 he would ask for a motion to include that condition on this if it was approved and then vote on it. If the  
 389 majority agreed, then they would attach it as a condition to approval.  
 390 J. Dargie said she would start it with "If approved, the applicant will provide a suitable turnaround area for  
 391 emergency vehicles and snow removal that meets town standards and will allow for the elimination of the  
 392 hammerhead turnaround easement at Lot 51-26-184 by creating a new easement to town for maintenance  
 393 purposes on Lot 51-1.  
 394 J. Plourde moved to accept. R. Costantino seconded.  
 395 Vote was unanimous to attach that condition to Case 2018-05.  
 396 S. Bonczar asked for any other discussion, deliberation, or anything else to add. None. He said it appeared  
 397 in summary that it was agreed the conditions for a variance were met including the hardship due to the lack  
 398 of frontage and shape of the lot due to the previous subdivision planned and not executed.  
 399  
 400  
 401 S. Bonczar then proceeded to the vote on the criteria for a variance.  
 402  
 403 **1. Would granting the variance not be contrary to the public interest?**  
 404 J. Dargie – yes; T. Steel – yes; R. Costantino – yes; J. Plourde – yes; S. Bonczar – yes  
 405 **2. Could the variance be granted without violating the spirit of the ordinance?**  
 406 R. Costantino – yes; T. Steel – yes; J. Dargie – yes, with the condition, obviously; - J. Plourde – yes;  
 407 S. Bonczar - yes  
 408 **3. Would granting the variance do substantial justice?**  
 409 J. Dargie – yes, with the condition; T. Steel- yes; J. Plourde – yes; R. Costantino – yes;  
 410 S. Bonczar – yes  
 411 **4. Could the variance be granted without diminishing the value of abutting property?**  
 412 J. Plourde – yes; T. Steel; J. Dargie – yes; R. Costantino – yes; S. Bonczar – yes  
 413 **5. Would denial of the variance result in unnecessary hardship taking the following into**  
 414 **consideration:**  
 415 J. Plourde – yes; R. Costantino – yes; J. Dargie – yes; T. Steel – yes; S. Bonczar – yes  
 416  
 417 S. Bonczar tallied the vote as unanimous approval of the variance, with the condition agreed upon and voted  
 418 upon. Therefore all the required criteria being satisfied, the variance was approved.  
 419 S. Bonczar informed applicants they were approved and informed them of the 30-day appeal period.