Town of Carroll

Zoning Board of Adjustment

92 School Street

Twin Mountain, NH 03595

Meeting Minutes

July 8th, 2021

7:00 P.M.

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Members Present: Chairperson Aaron Foti, Vice Chairperson Andy Smith, Sandy Pothier, Ken Mills,

Alternates Present: Diane Rombalski and Karen Moran

Public Present: Lori Hogan and Greg Hogan

Minutes Taken By: Lisa Harley, Recording Secretary

Item 1: The meeting was called to order by Chairperson Foti at 7:00 P.M.

Item 2: Pledge of Allegiance

Item 3: Approval of May 13th 2021 Minutes, with no minutes to approve in June,

Lori Hogan mentioned that everyone has a packet in front of them, that is missing highlighting, but I wanted to if I may just go through this and I tried to outline why we are here and what we are looking to do, and try to blend it into what we found in the very large packet and hoping that we can focus right in and see how we can get this done.

Hogan’s 480 Route 3 South also know as the Profile Road, which is in our deed. It is the former Sunoco Station, owned by Rita and Matt McKinon, and then we purchased in 2005, also formally known as the Police Department Town of Carroll. On that parcel, and before I get a head of myself, we went to the Planning Board to explain and outline what we were looking to do and then they under this article of the first page, last paragraph, and then they sent us to see the Zoning Board of Adjustment and it says for some reason if your site plan does not comply with the ZBA ordinances that we might need to go to the ZBA and get a special exception or a waiver, and that is why we are here.

Aaron asked Lori Hogan if that makes sense to her and she replied “yes it does”. On the next page you can see it say Route 3 North and South, edge of the snowmobile trail across the road to the old Fun Town and behind it is Harold’s Way which is a snowmobile trail that feeds the motels. Then we have 2 driveways accessing the North and South part of the lot. What the Hogan’s are looking to do is there is a billboard- it is a State of New Hampshire registered billboard- we are looking to section off from our lot line over the snowmobile trail and up through the billboard and around and just make a small non-conforming lot, so that we can get the billboard on a separate lot from the garage, and also we would be giving unlimited perpetual access to the snow mobile trail, so they would never not be able to cross the road and get to the main trail system. That is what our hopes and dreams are. We are in RB district and we believe that we qualify under section 15 of the RB for off premises sign. Andy Smith asked if there is a billboard now and Lori Hogan mentioned there has been since the early 80’s or late 70’s. It would be an off- premises sign, it would be advertising another business on a separate lot, and under the RB it indicates we would need a special exception but permitted with special exception for RB. Ken asked if RB is Residential/Business and Lori Hogan said yes. Under the Zoning Ordinance 403.4 gives you a definition of RB which is the minimum lot size in this district shall be one acre. Then it goes on to define when you have multiple family it increases the footage for the additional families which is the intent for occupies, and it is not what we intend to do, because no one would ever occupy this lot. The minimum frontage of 100 ft and it has all the other setback requirements for the front, side and the rear under the R-B in the Zoning Ordinance 403.4. Lori mentioned that the Minimum frontage of 100 feet is probably what they will not be able to meet. Their intentions are to meet all other setback requirements for front, side and rear. Under the Zoning Ordinance, under Section 509.1 Purpose Lot Size Averaging which reads any District, the Board may approve reduced lot sizes, frontage requirements, and/or internal setbacks when in the Board’s judgment, flexibility in subdivision design will promote the most appropriate use of land and the protection of productive agricultural and other resources which they are defining as the snowmobile trail of the importance of the community. Lori Hogan will accept questions if anyone has any question: Andy Smith asked what is the end goal, Lori said end goal is to, keep the billboard in their family for the future of their kids, and to preserve the snowmobile trail, Andy mentioned so then you would the sale the building, and then preserve the income or the ability to change the sign. Lori mentioned they have had about 20 people approach them about buying the old police station, there is a lot of interest, and the market is good now. The Hogan’s haven’t put the building up for sale yet, but they are kicking around the idea.

Ken Mills—Would it be your intent to build the lot? What acreage are you looking to keep oppose to the new one?

Greg Hogan—Probably over an acreage, just a minimal amount for the sign, and keep a minimum acreage, not sure on how the survey would work

Lori Hogan—Our intent is to meet the setbacks to the best of their ability that we can and still preserve. The snow mobile trail is right next to the billboard, we just can preserve the snow mobile trail and just the billboard, with the minimum acreage.

Karen Moran—asked if the snowmobile trail goes through their property, Lori said that was a good question because no one really can find their pin. Lori Hogan measured it and where she started measuring it was dead center of the middle of the snowmobile trail. The Hogan’s believe that their land is a portion of the snow mobile trail, they just don’t know exactly how much or where, until they have it surveyed. The Hogan’s do have the intention of having it surveyed. The Hogan’s own all of Harold’s Way and beyond up to Birch Road. Aaron said that Harold’s Way looks like it is right on your property line. Lori said that is correct. Aaron asked how wide are the trails? Greg said about 20 ft maybe not quite

that, maybe 15 ft

Andy—Is this quarantined?

Lori Hogan—Not Harold’s Way is not quarantined

Andy—Does it quarantine across the road

Greg Hogan—yes through our property

Andy—I thought the state quarantined trails that are licensed, that had deeded rights.

Lori—Mentioned it is not on their deed.

Greg—I know recently Errol New Hampshire due to a land owner that shut the snow mobile trail down and caused major issues. Doing this is to avoid this kind of situation, then we can put it in the deed that it can’t be shut down ever.

Andy—there is one thing from a- directional stand point if you have explored yet, the variance process which is not an easy one in the state of New Hampshire you need to have a hardship. It’s a hard barrier to cross. You may be able to accomplish exactly what you want to accomplish, which is just to sell perpetual easement in favor of yourself the bill board, and whoever you grant the easement to. If you sell this 1.4 acre lot, subject to the following easements. One is the restrictions you get the perpetual right you and your heirs this chunk of land. Second is to keep rights to the bill board and the income.

Aaron Foti-The special exception is based on the use and the variance is about not meeting the requirements. If you, do it in this pathway, you would need the variance for 1 lot which it will, both of them if you own 2 lots then it would be 2 variances.

Andy—I would tell you that you have a hardship when you are conforming that would create a variance, however I think you can do exactly what you want to do. This can be easily solved subject to a right of way. You retain the rights and keep the sign, maintain the sign and charge whatever you want for you and your heirs and have it forever

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Ken Mills—It may be actually be beneficial and financially worth considering this process.

Aaron Foti—If we did it his way, some applications you need both, you will need to go to the Planning Board and then the Zoning Board of Adjustment for variance. In this case it looks like, you aren’t doing anything to the land. Site Plan approval you would need a Special Exceptions and a variance, and again it is 2 different things. You have Special Exceptions for the off- premise sign, and variance for the trail.

In the Zoning Ordinance Page 70 Section 804.4 Aaron mentioned that you need to meet all 5 of the condition under the Variances. Its easy to meet 4 out of the 5 but it is challenge to meet all 5.

For purposes of this subparagraph, “ hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area: This would be the challenge in the variance.

Karen asked if their grandchildren in 50 years from now don’t want anything to do with this sign, could they sell that easement and Andy answered yes.

Lori Hogan mentioned her and Greg have a lot to think about. Lori and Greg thanked the board.

Andy—Mentioned regardless of what you do go you will have to come back with a survey

Ken Mills—You might want to consult with counsel. They might have information that we aren’t aware of, they might be able to guide you in different direction.

Aaron—any other old business

Ken made a motion to adjourn

Sandy seconded

Aaron-- said he has new business to discuss

Ken retracted the motion

NEW BUSINESS

1. Aaron got a date for the Appeal Hearing for Selectboard. It will be on Wednesday September 8th ,2021 at 10:30 in Lancaster on 55 School Street.
2. Had a women stop by the Town Hall to ask if she can some chickens at her property here in Twin Mountain. She mentioned that the eggs are for personal use only, she will not be selling the eggs. She doesn’t have a farm, nothing will be for sale.

Aaron Foti motioned to adjourn the meeting at 7:43 P.M.-Andy Smith second. All in favor, no opposed

Meeting adjourned at 7:43 P.M