

DRAFT

Surry ZBA

Meeting minutes 4/10/2025:

Present, Jay Croteau, Eric Eichner, Kenny Maynard, John Berglund

The applicant, council, plus one.

5 members of the community also in attendance

Old business: Minutes of previous meetings, 3/6 and 3/19/25. Minutes were reviewed by the board

Motion to amend the minutes, page 3 change Judith Lundahl question to “Would the variance approval make the property have a lower valuation?”

Second Kenny, voted in favor 4-0

Motion to amend the minutes to clarify that Peter Wilber spoke in favor of the variance.

Second Kenny, voted in favor. 4-0

Reviewed the rest of the minutes from 3/6

Motion to approve with amendments by Eric, second, Kenny

Voted in favor to approve minutes as amended. 4-0

Reviewed the minutes from 4/19: Motion to accept Kenny, Second Eric

Voted to approve minutes. 4-0

Still under old business, deliberations to continue from the Tree Agents, LLC hearing for a variance.

Started at the top with the 5 variance criteria. Number one seems satisfied, no harm to the public to create the lots with the proposed road frontage.

The spirit of the ordinance is observed #2. The purpose of the ordinance is to create adequate space. Missing the proposed size requirements the lots could still be designed to accomplish this. This item appears satisfied.

Substantial justice is done #3, no evidence presented to address the benefit to the town. An example would be “it would create affordable housing”. Balancing test that fails. Will revisit later after the other criteria is discussed.

Property values#4 most likely would not be affected. No evidence presented for or against.

The final variance criteria #5 Hardship: Jay: Is the property unique? Testimony and our own knowledge of the area/town would indicate that,

The fact that the property has steep slopes and wetland is not unique to properties in Surry. Testimony heard and the combined 140 years of Surry knowledge between the board members would prove this in my opinion.

John: I've been here 60 myself.

Jay: Testimony from Roger Wilber during the hearing; states that his property on Farm road is identical to the applicants and that he will expect the same variance when he develops his property. His point was that we would be setting a precedent for him to follow, but his testimony also stated that the properties share the same features of wetland and slopes.

Peter Wilber stated at the hearing that his property abuts the applicants, has wet land and slopes too.

Cider Mill development, the most recent development in town has wetland and slopes, more extreme than that of the applicant. They made the development work with no variances to the lots and had to create 4 detention ponds to address the wet areas.

These properties all share similar zoning.

There was an engineer at the hearing hired by the applicant that did not speak or offer any testimony.

We heard a lot of testimony about how hard it would be to develop and how it would be a bad place for development but that does not make the property unique to other property in town with similar zoning.

Eric: The applicants property is unique in my opinion. Every property is different, no two properties in town are identical.

Kenny: But they share the same features

Jay: Revisit the substantial justice criteria; The burden must come from the property itself and not from the impact to the landowner personally. No evidence heard involving dollar and cents amounts not issuing the variance would create. No evidence to the benefit to the general public that issuing the variance would create. Specifically, no evidence to create/ increase affordable housing. There were a couple lots listed for sale already from the applicant and at the price offered were not considered affordable. The listing for the lots has been pulled.

Jay: The fact that the property has wetlands and steep slopes does not make it unique as compared to other properties zoned the same. We heard testimony and can rely on our own experience with property in Surry. Farm Rd. as Roger Wilber spoke to, neighboring property on Joslin Rd. as Peter Wilber spoke to and Cider Mill development, we are familiar with are examples of similar properties with the same topographic features. The #5 hardship criteria is not satisfied. It is for these reasons that I motion to deny the variance request.
Motion to deny the application based on not satisfying criteria 5 hardship made by Jay Second John,

Vote in the affirmative Jay, Kenny, John, vote no Eric

The motion passes 3-1.

We will not rule on criteria #3 as the point warrants no more discussion.

Jay will get notice out to applicant via email. And copy of the minutes.

Motion to close the deliberations by Eric, second John

Voted in affirmative 4-0.

Old business, No application yet from Katie Anderson but one is still expected.

New business: Steve Pro could be in with a septic variance application for a property on Rt. 12A

Question came up; Is there commercial zoned property on 12A? Will research this.

Motion to adjourn Eric, second John

Meeting closed at 8:30