



Zoning Board of Adjustment

TOWN of SURRY, N.H.

Surry Town Hall ▪ 1 Village Road ▪ Surry, N H 03431

Board Members:

John Croteau, III, Chairman

John Berglund

Eric Eichner

Ken Maynard

Linda Bergevin, Secretary

MINUTES of PUBLIC HEARING*

TUESDAY, MAY 27, 2025

*Reviewed/Corrected/Approved July 1, 2025

Hearing of the Zoning Board of Adjustment was brought to order by **Chairman Croteau** at **7:00 PM**

Board Members PRESENT: John Croteau, III, Eric Eichner, Ken Maynard and Linda Bergevin, Secretary. **Absent:** John Berglund

Public – 1 resident present

Chairman Croteau apprised the Public attending that this was a Public Meeting of the ZBA; for presentation by the applicants(s) an/or agent, time would be available for questions/comments for the Public.

AGENDA: Three agenda items for this meeting of the ZBA members to review and discuss:

Stated:

1. Request for Variance: for Eli Gibbons and Brian Kwedor, 436 Rte. 12-A, Tax Map 4B, Lot 42 by Stephen C. Pro, LD #1510. Application Case # 552025 (*attached*)
2. Request for a second Reconsideration and Rehearing for Variance for Lot #18, Map 4A, Case #93024. Tree Agents LLC and through its attorneys: Gottesman & Hollis, P.A. by Elizabeth M. Hartigan, attorney at law.
3. Minutes review from March 19, 2025 ZBA Meeting.

7:04 PM Chairman Croteau provided background for the variance application: a new septic system by Septic Pro was being installed at this property. The new septic system does not meet the Zoning set-back of 100 feet, therefore the Surry Town Building Inspector, Steven Goldsmith denied the plans. Applicants and their Septic designer then requested relief from the zoning setback requirement.

Points: Current septic has not failed but is an older drywell type. Owners wished to upgrade with a state permitted environmental system, before a failure occurs. The State has a setback requirement of 75 feet; however, Surry has the 100 feet setback as the standard.

The proposed system, according to Stephen Pro is designed for a 2-bedroom home, the amended upgrade would be for 3-bedrooms to provide ample capacity. The new proposed system will be in the same location and underground with no impact to the property well or abutters.

Question was asked which plan was denied by the building inspector; the plan and amended plan were both denied due to the failure to meet the set-back standard.

Chairman Croteau went through the five criteria for variance. There were no objections to the amended plan for 3-bedroom septic system as proposed.

Chairman Croteau asked if the Public had any questions or comments. Resident spoke in favor of the upgraded system and the fact that the property's house had some upgrade to a second story added when the Dejnaks owned it. Wondered if there was already a 3rd bedroom on that floor. Possibility of a second-floor study. Commented that asking for an upgraded 3-bedroom system might benefit the new owners.

Motion made to move the vote by Ken Maynard, Seconded Eric Eichner.

Vote: 4-0 Approval for Variance to the setback requirement.

Chairman Croteau will advise Building Inspector Goldsmith of this decision.

Chairman Croteau apprised the Applicants that payment for the ZBA Meeting notice and associated fee was still due: \$98.24.

Applicant had not brought a checkbook for this provision and asked that payment would be made with the Town Clerk when the signed approval plan will be picked up during the next Town business hours. Board agreed.

Chairman Croteau closed this item at **7:30 PM**

7:32 PM Chairman Croteau introduced the second Request for Reconsideration and Rehearing dated May 7, 2025, submission by **The Tree Agents, LCC** by and through its attorneys: **Gottesman & Hollis, P.A.** by **Elizabeth M. Hartigan, Attorney at Law, (attached)**. This comes after a decision of denial made by the ZBA Board on April 10, 2025.

In part the request states: "The decision of the Zoning Board of Adjustment of the Town of Surry as to the Variances was unlawful, unjust, unreasonable and contrary to the evidence submitted of record."

Also submitted for this request was a submission of said new information by **Fieldstone Land Consultants, LLC of Milford, NH, a letter dated April 30, 2025 by Chad E. Branon, PE, Chief of Engineering (attached)** addressing the "unique characteristics" of the property to be developed. The letter has been taken in advisement by the ZBA Board for purposes of discussing the request.

Chairman Croteau asked for discussion of the Fieldstone Land Consultants' letter's as it pertains to granting a new rehearing.

Board members noted that the letter outlined a comprehensive description of the property and was not new evidence nor were included images, not anything additional that was not presented in some format at earlier hearings. Mr. Branon had been present at an earlier hearing but had not offered testimony at that time. The "special conditions" of this property is not unsimilar to adjacent properties to make it an exception, as noted the developer cares to be mindful of environmental impact; therefore, needed to develop his plans with the roadway and lots defined as the submitted plan does not meeting zoning i.e.:

Insufficient Road frontage and Lot Width

Proposed property 12 lot subdivision off Joslin Road of an 87.+ acre parcel, of these lots:7 do not have required road frontage, 8 do not have required lot width for the Land & Space Ordinance of the Town of Surry

The argument in the letter stipulated the land while similar to adjacent properties was "distinct from other properties" due to a spider-like wetlands extending to base of the slopes, creating a unique condition. There is reliable testimony from property owners in the vicinity, and other residents who have done haying that this is so with some of the other adjacent properties too.

This submission was neither compelling nor new for rehearing. This information was received and reviewed in previous hearings from different sources, including the applicant/agent's maps of the property used for the purpose of the Public Hearings.

Question was asked how many Requests for Reconsideration and Rehearing are allowed as appeal on the same issue? Chairman Croteau said there can be multiple and next step for the petitioner would be bringing the Town to Superior Court for hearing the case, since serious allegations had been made.

Motion made by Member Eichner to deny the Request for Reconsideration and Rehearing.

Second: Member Maynard.

Chairman Croteau asked for discussion on the motion.

Discussion. None

Motion made to call the vote by Member Bergevin

Second: Member Maynard

Vote called: 4-0

Chairman Croteau will send a letter to the applicant with advisement to the Legal Counsel for the Town.

Issue closed: 8:01 PM

New Business – None

8:05 PM Chairman Croteau opened **Old Business**: Review and Approval of the ZBA Minutes from March 19, 2025.

Review completed, no additions or corrections.

Motion to Approve the Minutes by Member Eichner

Second by Member Bergevin

Vote: Unanimous

8:07 PM Question as to whether the ZBA Board will be considering a resubmitted request for Variance by Katie Anderson. Chairman Croteau said no new request has been completed or received.

Are there any other issues to come before the ZBA Board. None.

8:10 PM Motion to Adjourn made by Maynard. Second by Member Eichner.

Vote: Unanimous

Meeting Adjourned 8:12 PM

Respectfully Submitted:



Linda M. Bergevin, Secretary

Attachments: Pro Septic Application for Variance Case# 552025

2nd REQUEST AND MOTION FOR RECONSIDERATION AND REHEARING PURSUANT TO NH RSA: 677:2 by THE TREE AGENTS, LLC & THEIR ATTORNEYS GOTTESMAN & HOLLIS

With exhibit-Letter: Fieldstone Land Consultants LLC – April 20, 2025