**Minutes**

**Appeals Board Meeting – Hastings Community Center**

**Wednesday, October 11, 2023**

**6:00 PM**

Christopher Devries Kristine Gould David Balise David Murch

Town Manager Katie Haley

Devries called the meeting to order and declared a quorum. The Pledge of Allegiance was conducted.

Devries made a motion to approve the Sep 27, 2023 Meeting Minutes, which was seconded by Gould and passed unanimously.

Devries addressed the public and explained the issue of 37 Smith Street and 38 Elm Street being too small for continued building of apartments. Devries then looked to the public for comment about 37 Smith Street.

Matt Lounsbury was present on behalf of Village Apartments LLC and explained why he was looking to continue building. He would like to continue to offer low rent housing, and while keeping older buildings maintained.

Devries noted that with the lots being in the Village Commercial zone, this new construction would go against the land ordnance. Devries opened the floor to public comment. Lounsbury argued that the space is existing, dormant, and vacant, causing no disruption to any community members. Furthermore, the space will be community efficient, low rent housing for the workforce in this area, which is desperately needed.

Richard Dunham also chose to comment on this matter. Statting how he has a property in a similar situation, and would like to be able to offer housing for the Town of Fryeburg. Although with current ordnances, there is not much room to do so.

Devries mentioned that Dunham’s property is in the Village Residential district instead of Village commercial. These to districts are quite different in terms of density.

Devries then looked to the board for any comments regarding the issue. Dave noted that he is concerned about the capacity for the septic tank, as having 12 bedrooms is a lot on just one system. Matt responded saying that they’re still far from being overused, and he makes sure that they are pumped on a annual basis. Dave agreed with Matt that pumping annually would be a good idea.

Devries and Gould then discussed how to interrupt the first criteria of the variance, “The land in question cannot yield a reasonable return unless a variance is granted.” Veno mentioned that the reasonable return is not just for the owner, but split equally between the town and the owner. Veno also added that more apartments would be doing just that.

Devries then called the board to discuss the four variance criteria for each of the lots. Starting with 37 Smith Street, Devries made a motion to agree on the first criteria “The land in question cannot yield a reasonable return unless a variance is granted.”, it was second by Gould. Agreed upon unanimously from the board.

Devries made a motion to agree on the second criteria “The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.” It was second by Gould. Agreed upon unanimously from the board.

Devries made a motion to agree on the third criteria “The granting of a variance will not alter the essential character of the locality.” It was second by Veno. Agreed upon unanimously from the board.

Devries made a motion to agree on the fourth criteria “The hardship is not the result of action taken by the applicant or a prior owner.” It was second by Gould. Agreed upon unanimously from the board. Variance is granted for 37 Smith Street.

Devries then called the board to discuss the variance criteria for 38 Elm Street. Devries made a motion to agree on the first criteria “The land in question cannot yield a reasonable return unless a variance is granted.”, it was second by Gould. Agreed upon unanimously from the board.

Devries made a motion to agree on the second criteria “The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.” It was second by Gould. Agreed upon unanimously from the board.

Devries made a motion to agree on the third criteria “The granting of a variance will not alter the essential character of the locality.” It was second by Gould. Agreed upon unanimously from the board.

Devries made a motion to agree on the fourth criteria “The hardship is not the result of action taken by the applicant or a prior owner.” It was second by Gould. Agreed upon unanimously from the board. Variance is granted for 38 Elm Street.

Devries added that he would no longer like to be chair, Gould also added that she is not interested in being chair either. Veno proposed that him and Devries work together for a while, and eventually Veno will take over the chair position.

Devries made a motion to adjourn, which was seconded by Gould and passed unanimously.