

**TOWN OF CHESTERFIELD, NH  
ZONING BOARD OF ADJUSTMENT**

**MINUTES  
September 8, 2015**

**Present:** Chairman Burt Riendeau, Lucky Evans, Renee Fales and Harriet Davenport

**Absent:** John Perkowski and Alternates Kristin McKeon, Roland Vollbehr and Selectboard representative Jim Larkin

The Zoning Board of Adjustment met at the Chesterfield Town Office on September 8, 2015. Riendeau opened the meeting at 7:31 p.m. and explained the process of the meeting. He noted that there were only four members of the board present for this meeting. The applicant chose to have the application heard with the four board members present.

**Jason E. Bafundi** requests a Variance from Article II Section 205.5 of the zoning ordinance to permit construction in line with existing structure within the side setback. The property is located at 563 North Shore Road, Spofford, NH 03462 (Map 6A Lot C6) Residential District. (Postponed from August 11, 2015)

Bafundi asked what determines the side or front of the property in a residential district. Riendeau noted that Bafundi had asked for a side setback but this application is a front setback request. Fales read 207.3 Corner Lots Section B of the Chesterfield Zoning description of frontage indicating that the frontage would be Route 9A of Bafundi's lot and the driveway comes off the lesser traveled road.

Bafundi stated that he has 48 feet of the 50 feet required of frontage on Route 9A. He is requesting approval to build a front porch in line with the existing structure, without setting it back to meet the 50 foot line. The proposed 8 ft. x 14 ft. porch will have an enclosed roof and the porch will be an open concept porch on the .25 acres lot. Bafundi noted that, if this application is approved, he will have only 32 square feet of allowable building coverage remaining. Bafundi stated that the 1 story porch will be built on 3 piers. The porch will be used by his family as a safer entry way. There were no objections from abutters and there were no abutters present at the meeting.

*Fales moved to close the public portion of the meeting. Davenport seconded the motion, which passed unanimously.*

Riendeau stated that the application seems to be a reasonable one. Davenport stated that the porch will help to keep the entryway safer from ice and snow. It was noted that the applicant is conforming on the side setback and the porch is going to be an open concept. Davenport noted that the porch would be appealing to the house.

*Fales moved that the request be approved for the Variance from Article II Section 205.5 Section A to allow the construction of an open air porch to encroach two feet into the front setback from Route 9A to be flush with the existing structure.*

Criteria for approval:

1. The variance is not contrary to the public interest. **Yes.**
2. The spirit of the ordinance is observed. **Yes, the proposed use is not conflicting with the implicit purpose of the ordinance and it doesn't alter the essential character of the ordinance of the neighborhood. Porches are very common on houses and it is in line with the house and is within two feet of the house line and looks architectural more pleasing.**
3. Substantial justice is done. **Yes, this allows the applicant to be able to have safe egress into their house during inclement weather.**
4. The values of surrounding properties are not diminished. **Yes, front porches are common in the neighborhood and it will not obscure anyone's view.**
5. Literal enforcement of the ordinance would result in unnecessary hardship. Because of special conditions of the property that distinguish it from other properties in the area:
  - (a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
  - (b) The proposed use is a reasonable one. **The porch will allow a safe entry and exit from the house during inclement weather.**

*Davenport seconded the motion, which passed unanimously.*

## **Rules of Procedure**

The following motion was made at the meeting of January 13, 2015 and was reread aloud again for the third consecutive meeting:

*Fales moved to amend the Town of Chesterfield Zoning Board of Adjustment's Rules of Procedure to allow the Chairman and/or Vice-chairman to seek legal advice without prior authorization from the Zoning Board of Adjustment or any other board. The motion was seconded by Perkowski and passed.*

The ZBA Rules of Procedure states under XVII Amendments:

These Rules of Procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at two (2) consecutive meetings preceding the meeting at which the vote is to be taken.

## **Review Meeting Minutes**

- **August 11, 2015** – *Fales moved to approve the meeting minutes of the August 11 meeting with the removal of one paragraph containing opinions on frontage requirements of driveways. Evans seconded the motion which passed unanimously.*

**Adjourn:** *Riendeau made a motion to adjourn the meeting. Fales seconded the motion, which carried unanimously. The meeting adjourned at 8:30 p.m.*

Respectfully submitted,  
Patricia Grace  
Secretary

Approved

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Burt Riendeau  
Chairman, Zoning Board of Adjustment

Date\_\_\_\_\_