

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

**MINUTES  
January 12, 2016**

**Present:** Chairman Burt Riendeau, Lucky Evans, Renee Fales, Kristin McKeon, Alternate Christopher Oot and Selectboard Representative Jon McKeon

**Absent:** Harriet Davenport and Roland Vollbehre

The Zoning Board of Adjustment met at the Chesterfield Town Office on January 12, 2016. Riendeau opened the meeting at 7:32 p.m. and explained the process of the meeting. Oot will be voting on the applications at this meeting in place of Harriet Davenport.

**Elia Gilbert** requests a Variance from Article III Section 300.4 (C) of the zoning ordinance to permit the applicant to temporarily reside in a camper trailer, not exceeding 180 days. The property is located at Welcome Hill Road, West Chesterfield, NH 03466 (Map 15 Lot A1.2) Rural/Agricultural District.

Riendeau noted that the definition for Manufactured Housing Standards calls for an 8 feet wide and 40 feet long unit. Gilbert noted that her camper trailer is 8 feet wide and 22 feet long. Riendeau noted that camper trailers fall under Section 408 Restrictions on Intermittent and Casual Use. Fales noted that the conditions must comply with Items 1 and 2 of Section 408 and the report provided by Town Health Officer Steve Dumont notes that there are nine conditions that have not been met, as of his site visit conducted on December 23, 2015.

Riendeau stated that camper trailers are for intermittent use and not permanent dwellings. Gilbert stated that she is currently not living in the camper trailer but that she has prepared the trailer for permanent winter use by installing a wood stove that she installed herself. Jon McKeon noted that the standard egress window is 54 square inches.

Kristin McKeon noted that Section 408 requires adequate and readily accessible toilet, lavatory disposal facilities and kitchen facilities approved by the Town Health Officer. Gilbert noted that she has been bringing in 5 gallons water containers but currently does not have toilet facilities or electricity. She is currently using kerosene lamps for lighting. Gilbert stated that she plans to start building in the spring and would like to live on the property year round during the building of a small house.

Gilbert stated that she camped out on the property after she purchased the lot in September of 2014 and moved the camper on the property in the summer of 2015. Riendeau stated the spirit and intent of Section 408 was not for permanent residency and intermittent or casual use is only for 180 days in any 365-day period. Gilbert noted that she will not be able to build her house on the property with a year. Evans noted that the camper trailer needs to comply with State codes and does not comply with Section 300.4 (C).

Jon McKeon stated that Section 408 would require an inspection of the Town Health Officer to determine whether health and safety issues meet all the requirements. If all requirements are met, the applicant may be able to receive temporary residency starting with the first day the applicant resided in the camper trailer.

*McKeon moved to close the public portion. Fales seconded the motion, which passed unanimously.*

#### Discussion:

Fales noted that the applicant does not meet the requirements of Section 300.4 (C). Riendeau added that the size of 8 feet by 40 feet unit requirement for manufactured housing is not met and the application was for an ordinance that does not apply. Section 408 does not state that an applicant can come back to extend the 180 days if a dwelling is on the property. McKeon noted that manufactured housing is built to live in and a camper is not.

Riendeau noted that the Town Health Officer's report indicated a number of fire, building and safety code violations that he observed during his inspection of the camper on the property on December 23, 2015. A certificate of occupancy cannot be given until all of the codes are in compliance.

*McKeon moved to deny the request for Variance 300.4 (C) because the applicant's housing does not meet the 8x40 ft. manufactured housing standard because it is a 22 foot camper and doesn't apply to the applicant's request. Fales seconded the motion.*

Riendeau noted that Section 408 better fits the applicant's request and the Town Health Officer will need to determine if all of the health and safety requirements are met to receive up to 180 days of intermittent or casual use within a 365-day period.

A vote was called to move on the motion.  
3 No votes. The motion did not carry.

*McKeon moved to not act upon the request for Variance 300.4 (C) for Elia Gilbert, based on the fact that her housing does not meet the definition of manufacture housing requirements for 300.4 (C) The applicant's housing is 8x22 feet and the criteria of 300.4 (C) is a minimum of 8x40 or 400 square feet. Fales seconded the motion, which passed unanimously.*

McKeon noted that if the Town Health Officer determines that there is a health and safety issue, he will determine as to whether the applicant can go back into the camper. The Zoning Board members agreed that the applicant will need to work with the health officer. The board also requested that the draft minutes of this meeting be forwarded to the health officer as soon as they become available.

#### **Review Meeting Minutes**

- **November 10, 2015** – Voting will be Riendeau, Evans & McKeon.  
*Riendeau moved to approve the meeting minutes of November 10, 2015 as presented.*  
*McKeon seconded the motion, which passed unanimously.*

- **December 3, 2015** – Voting will be Riendeau, Evans & McKeon.  
*Riendeau moved to approve the meeting minutes of December 3, 2015 as presented. McKeon seconded the motion, which passed unanimously.*

### **Other Business**

Jon McKeon noted that proposal for the ordinance changes were passed by the Planning Board and the changes will be put on the Warrant as presented to the Planning Board, with no changes at the Planning Board level.

Riendeau stated that the ZBA will discuss the purchase of an ipad after Town Meeting.

McKeon noted that there were a lot of questions on Section 300.4 and 408 on the application at this meeting. She suggested that there be additional information for residents that want to do temporary housing when building. It was noted that there is no definition for temporary housing units. Riendeau stated that the temporary housing still needs a slab and the anchors for potential wind.

Riendeau suggested that the Planning Board determine what the minimum requirement should be for living space per square foot and not by dimensions for temporary housing and what other requirements are needed for temporary housing. Jon McKeon added that the Planning Board cannot circumvent State of Federal regulations by not making fewer restrictions for the town than what the State calls for.

**Adjourn:** *McKeon made a motion to adjourn the meeting. Fales seconded the motion, which carried unanimously.* The meeting adjourned at 9:12 p.m.

Respectfully submitted,  
Patricia Grace  
Secretary

Approved

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Burt Riendeau  
Chairman, Zoning Board of Adjustment

Date\_\_\_\_\_