

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

**MINUTES
March 15, 2016**

Present: Chairman Burt Riendeau, Lucky Evans, Kristin McKeon and Selectboard Representative Jon McKeon

Absent: Harriet Davenport, Renee Fales and Alternates Christopher Oot and Roland Vollbeh

The Zoning Board of Adjustment met at the Chesterfield Town Office on March 15, 2016. Riendeau opened the meeting at 7:30 p.m. and explained the process of the meeting and noted that there are only three board members present at this meeting. Each applicant was asked how they would like to proceed with their hearing. If the applicant chooses not to have their hearing heard at this meeting, they may choose to have it heard at the April 12 meeting.

Hearings:

Mark Lanoue requests a Variance from Article II Section 208.2 of the zoning ordinance to permit commercial use to allow for the sales and servicing of vehicles with outside display of the vehicles. The property is located at 1763 Route 9, Spofford, NH 03462 (Map 10A Lot A5) Office/Retail Space/Service District.

Present: Attorney Steve Bonnette and Mark Lanoue

Bonnette requested that this application to be deferred until the next meeting.

Joseph & Maury Bohan requests a Variance from Article II Section 203.6b (B) & Article V Section 503.1 of the zoning ordinance to permit a generator near the garage next to Barn Road. The property is located at 19 Barn Road, Spofford, NH 03462 (Map 5J Lot A2) Spofford Lake District.

Present: Joseph Bohan

Bohan requested that his application be heard at this meeting.

He noted that he purchased the property in 2009 and the generator was already in place. The code enforcement officer notified him, by letter dated December 10, 2015, that the propane tank and generator was in violation because it was located within 50 ft. of the road. Bohan noted that the generator does not block the view of the lake from the abutters and it is surrounded by bushes. It is a backup generator used when the lights go out just for the property at 19 Barn Road. Bohan stated that the generator is 5 ft. behind the garage and 30 ft. from Barn Road. Bohan noted that Echo Cove is a private road used by five property owners. McKeon stated that even though it is a private road, setbacks still apply. Jon McKeon noted that Chet Greenwood is no longer employed by the town.

Riendeau noted that the applicant's generator is within 50 ft. of the road and most of the garage is within the front setback. Bohan stated that Lot 8 is mostly leach fields. The board felt that a site visit would be needed to determine if the applicant had other options available. The lot consists of 2.1 acres. Bohan noted that his propane tank size is 250 lbs.

McKeon moved to continue the hearing until the board can view the lot. Evans seconded the motion, which passed unanimously.

Riendeau stated that the board will come up with a time to do a site visit and a decision will be made during the on-site visit before the next ZBA meeting. Bohan will be notified of the site visit schedule.

Robert C. Hodgkins, III requests a Variance from Article IV Section 402.4 (2) of the zoning ordinance to permit (5) five full time and (3) three part time employees. Hours: 10:00 a.m. to 6:00 p.m., (7) seven days per week until the move to 20 Brook Street (April-May 2016). The property is located at 1041 Route 63, Spofford, NH 03462 (Map 3 Lot B8.1) Rural/Agricultural District.

Present: Robert C. Hodgkins, III

Hodgkins requested that his application to be deferred until the next meeting.

Daniel M. & Carol L. Harvey requests a Variance from Article II Section 204.5 (A) of the zoning ordinance to permit erecting a deck with roofline above and a handicap ramp to be within the building setback area of 50 ft. to 40.5 ft. from street line. The property is located at 358 Streeter Hill Road, West Chesterfield, NH 03466 (Map 2B Lot A1) Rural/Agricultural District.

Present: Daniel and Carol Harvey

Daniel Harvey requested that their application be heard at this meeting.

A letter was received from abutter James Putnam in that he has no objections to the application being proposed.

Daniel Harvey noted that they want to put an addition on the front of the house by building a deck with a handicap ramp to be at 40.5 ft. of the front setback for their elderly parents to have easier access while visiting them. Harvey stated that he can't build the ramp or deck over the top of the sewer line. The addition to the house was built in 1998.

McKeon noted that the corner of the house where Harvey wants to put the ramp and deck already sits within the 50 ft. setback and the applicant would be making the house less compliant than it already is.

Harvey is proposing that the deck be 10 ft. wide and the ramp will need to be at least 5 ft. wide next to the deck. He added that it would make a total of over 200 sq. ft. that would be nonconforming and the total addition including the porch and another deck would be approximately 400 sq. ft. and he would like to put a roof over the entire porch, making the deck height the same level as the deck. The Harvey's are trying to make the house handicapped accessible. Riendeau noted that the ZBA looks at whether there is another way without making it more nonconforming and can the proposed future deck be used as a sitting porch.

Jon McKeon had concerns if the porch is built and the wheelchair ramp does not get built or is pulled down. Harvey replied that he will sign something that stating that that won't happen.

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

Discussion:

McKeon questioned whether there would be a hardship that would justify in putting in a 10 ft. deck and a 4 ft. ramp and are there other ways to accomplish the ramp as the applicant proposed.

McKeon moved to deny the variance for Daniel & Carol Harvey from Article II Section 204.5 (A) of the zoning ordinance to permit erecting a deck with roofline above and a handicap ramp to be within the building setback area of 50 ft. to 40.5 ft. from street line.

Criteria for approval:

1. *The variance is not contrary to the public interest. **No. It would make the building more nonconforming.***
2. *The spirit of the ordinance is observed. **Yes***
3. *Substantial justice is done. **Yes***
4. *The variance will not diminish the values of surrounding properties. **Yes***
5. *Literal enforcement of the ordinance would result in unnecessary hardship. **Because of the 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. **No. There are other options to meet the applicant's desire to have a ramp without going into the setback***

And

*(b)The proposed use is a reasonable one. **No***

Evans seconded the motion.

The vote was called. The motion passed by unanimous vote to deny the variance request.

Russell Moline requests a Variance from Article II Section 204.5 (A) and Article V Section 503.1 of the zoning ordinance to permit the addition of a deck, extension of porch and modification of bulkhead. The property is located at 197 Route 63, Chesterfield, NH 03443 (Map 24 Lot D5) Rural/Agricultural District.

Present: Russell Moline

Moline requested that his application be heard at this meeting.

Moline noted that the lot is less than one acre that fronts two roads and is a nonconforming lot. He stated that the house was built in the 1960's and is 95-98% noncompliant. The property setback to the front steps is about 16 ft. Moline is asking to add a small extension onto the porch and add an open deck on the back side of the house. Moline noted that the porch is not heated and it sits on piers. The porch section will be enclosed and the roof line will remain the same. He is also asking to put a roof over the bulkhead and will not change the footprint. Moline noted that the property drops down 10 ft. beyond the deck and sits on ledge. The driveway comes off Rt. 63

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

Discussion:

The board noted that most of the existing building is already nonconforming. This is a modest request for the expansion of the deck. The topography of the property limits other possible expansion and it is a reasonable request. The doghouse type coverage over the bulkhead makes sense and not affect the spirit of the ordinance and it is not the living space on the same footprint.

Riendeau moved to approve the application as proposed for Russell Moline. There doesn't seem to be anything that is out of line with the five points of the variance request. McKeon seconded the motion.

The vote was called. *The motion passed unanimously.*

Review Meeting Minutes

- **January 12, 2016** – Voting will be Riendeau, Evans & McKeon.
McKeon moved to approve the meeting minutes of January 12, 2016 as presented. Riendeau seconded the motion, which passed unanimously.

Other Business

The ZBA budget was approved at the town meeting. The tablet was included under general supplies and Evans will research tablet options and pricing for the board to discuss at the April 12 meeting.

McKeon asked if the number of applications can be limited per meeting. Riendeau replied that he didn't feel that restricting the number of applications can be limited per scheduled meeting, as long as they are submitted by the deadline. He noted that the meeting discussions can be controlled to try to get through as many applications for the board to make decisions. The board may require additional research work on an application and decisions do not have to be made the day of the meeting. A continuance may be required for further discussion.

Adjourn: *McKeon made a motion to adjourn the meeting. Evans seconded the motion, which carried unanimously. The meeting adjourned at 9:03 p.m.*

Respectfully submitted,
Patricia Grace
Secretary

Approved

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date _____